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SUMMARY RECORD OF THE 54th MEETING

Chairman: MR. SOMAVIA (Chile)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (*continued*) (A/45/3, A/45/179, A/45/210, A/45/348, A/45/404, A/45/444, A/45/445, A/45/446, A/45/447, A/45/448, A/45/508, A/45/542, A/45/564, A/45/578, A/45/607, A/45/630, A/45/649 and Corr.1 and Add.1, A/45/651, A/45/664, A/45/697, A/45/698, A/45/174, A/45/203, A/45/207, A/45/216, A/45/227, A/45/272, A/45/280, A/45/303, A/45/329, A/45/338, A/45/381, A/45/410, A/45/667, A/45/689, A/45/690, A/45/691, A/45/692, A/45/693; A/C.3/45/1)

1. Mr. OLIYNYK (Ukrainian Soviet Socialist Republic) said that his delegation was fully satisfied with the results achieved at the recent sessions of the Economic and Social Council and the Commission on Human Rights. On the initiative of the Soviet Union, the Council had adopted resolution 1990/50 on international co-operation to address and mitigate the consequences of the accident at the Chernobyl nuclear power plant. A draft resolution on the question had been submitted at the current session of the General Assembly and his delegation was sincerely grateful to all the countries that had supported that important initiative. Consideration of the question at the current session would focus attention on the problem of safeguarding human rights in conditions of environmental degradation resulting from scientific and technical development. There was a need for ecological human rights to be strengthened juridically. The Commission on Human Rights had made the first important step in that direction by adopting resolution 1990/41 on human rights and the environment.

2. His delegation stressed the need to maintain the consensus on the elimination of *apartheid* and to encourage further positive trends in South Africa with a view to the establisment of a democratic, non-racial State. Respect for human rights was undeniably linked to the process of democratization, as was demonstrated by the first free elections in Namibia and by the changes currently taking place in Central and Eastern Europe. At the same time, the prerequisites for democratization and respect for human rights and fundamental freedoms were absent in regions affected by armed conflicts or the results of such conflicts. His Government strongly condemned Israel's illegal actions in the occupied Arab territories, including the settlement of Jewish immigrants on Palestinian lands. Peace and respect for the human rights of all peoples in the Middle East could be achieved only by halting the occupation of those territories and bringing about a just settlement to the question of Palestine through the convening of an international conference with the participation of all parties concerned, including the Palestine Liberation Organization (PLO), and the permanent members of the Security Council.

3. Other factors impeding the observance of human rights included the gap between national legislation and internationally accepted standards, and insufficient legal knowledge on the part of law enforcement officials and citizens. Accordingly, his delegation supported the work of the Centre for Human Rights in organizing information programmes and seminars. In that connection, he shared the concern expressed by a number of delegations at the failure of the Secretariat to submit a

(Mr. Oliynyk, Ukrainian SSR)

report on actions taken as interim solutions to the resource problems facing the Centre, as called for in Economic and Social Council resolution 1990/47.

4. At its first regular session of 1990, the Economic and Social Council had adopted resolution 1990/39 on the rights of persons belonging to national, ethnic, religious and linguistic minorities, which authorized an open-ended working group of the Commission on Human Rights to continue work on the draft declaration on the rights of such persons. His delegation fully supported that work and was participating actively in it. Progress had been slow in ensuring the legal protection of minorities, which was a major area in the protection of human rights. The General Assembly could express its views on the work done on the draft declaration and emphasize the political and legal commitment of States to that task. His delegation had submitted a draft resolution on non-discrimination and protection of minorities (A/C.3/45/L.83) and felt that the General Assembly should express its opinion in that regard in order to speed up work on the draft Declaration.

5. The legal framework for protecting minorities had been defined at the regional level, as could be seen from the agreements reached at the Conference on Security and Co-operation in Europe (CSCE) and elsewhere. The United Nations should make use of that framework in determining the scope of international documents dealing with the question. That was particularly important at a time when States had set aside ideological prejudices and hoped to remove the artificial barriers that were impeding progress towards peace, freedom and democracy for all. Recommendations put forward by the United Nations on questions relating to minorities would further assist States in solving problems arising in that area. The primary objective of the democratization process in the Ukrainian SSR was the spiritual, political and economic emancipation of the individual. The main task was to place man at the centre of social development.

6. Mr. SEZAKI (Japan) said that although more than 40 years had passed since the adoption of the Universal Declaration of Human Rights, flagrant violations of human rights continued to occur in all parts of the world. Freedom of thought, conscience, religion and speech should be given higher priority than other, more recent, concepts of human rights. Unless those fundamental freedoms were assured, it would be difficult to protect human rights and promote the development of society as a whole. Although due care should be taken to promote human rights in ways that took account of historical and social conditions, the promotion of economic development and social stability could not be used as a pretext for failing to guarantee human rights.

7. The view that there should be a clear connection between official development assistance and the human rights situation in recipient countries was becoming increasingly widespread in Japan. His country supported the world-wide democratization process and would give due consideration in its aid policies to progress made in that regard by recipient countries.

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(Mr. Sezaki, Japan)

8. Despite the withdrawal of foreign troops from Afghanistan, there were reports of continued human rights violations in that country. His delegation appealed once again to both the Afghan authorities and the opposition movements to ensure respect for human rights, and hoped that the speedy restoration of peace in Afghanistan would lead to improved protection for those rights. Japan sincerely hoped that the Government of Iran would respond to the findings of the Special Representative on human rights situation in that country by taking further steps to ensure respect for all the basic rights of the people of Iran.

9. There had been reports of human rights violations in Iraq and accurate information on the situation there was urgently needed. It was therefore regrettable that the Commission on Human Rights had been unable to discuss the matter. The measures taken by Iraq to prevent the departure of foreign nationals were intolerable. The Iraqi Government must allow those people to leave the country immediately. Japan regretted that the Government of Myanmar had yet to announce its plans for transferring power in accordance with the results of the May elections, and that no dialogue had taken place between the Government and the opposition. His country urgently appealed to the Government of Myanmar to take constructive steps to transfer power to a civilian Government. Japan appreciated the sincere efforts made by the Chilean Government to improve its human rights situation and hoped that Chile would continue its efforts to ensure respect for human rights. His delegation welcomed the resumption of a dialogue between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) on a political settlement of the armed conflict there. All parties concerned must continue such efforts because the conflict jeopardized human rights and fundamental freedoms throughout Central America.

10. Mr. VAJPAYEE (India) said that in the past year, the democratization process in many parts of the world had broken down political, economic and social barriers. The struggle to safeguard and strengthen fundamental human rights was a continuing and arduous one. In that connection, each country must be able to promote respect for such rights in accordance with its own traditions. Human rights should not be used to divide peoples and nations. The United Nations must ensure that the question of human rights was not dealt with selectively in order to pursue narrow political ends. His delegation was deeply concerned about human rights violations around the world, and stressed the need to focus on improving the effectiveness of existing mechanisms by ensuring universal acceptance and strict implementation of the relevant international instruments.

11. India's commitment to the promotion of human rights was rooted in its socio-cultural values. The strengthening of national institutions was one of the most effective ways of protecting human rights. His Government was committed to guaranteeing each person's right to political participation and to establishing a just and equitable economic and social order. Since the two categories of human rights were indivisible, his delegation attached great importance to the Declaration on the Right to Development, which was an essential human right. Democratization must be combined with economic development and social justice. In accordance with the Universal Declaration of Human Rights, India's Constitution

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(Mr. Vajpayee, India)

enshrined fundamental rights protecting the dignity of the individual, and created conditions in which every human being could develop to the fullest extent. Those values were protected by a parliamentary democracy, an independent judiciary and a free press.

12. There had been very encouraging developments in the past year in southern Africa, with the accession of Namibia to independence and the promise of progress in negotiations between the South African Government and the African National Congress (ANC). His delegation was, however, concerned at the continuing violence in black townships and the involvement of South African security forces in that violence. While racism was on the retreat in South Africa, a constitution institutionalizing racial discrimination had been imposed in Fiji. The international community must consider ways of reversing that trend.

13. There could be no lasting peace in the Middle East without a just and comprehensive settlement based on the exercise of the inalienable rights of the Palestinian people. Recent developments underscored the urgency of addressing that issue. India reaffirmed its solidarity with the people of Cyprus and fully supported the sovereignty and territorial integrity of that country. The régime in Myanmar continued to be unwilling to accept the verdict of the people of that country. He hoped that the authorities in Myanmar would comply with the wishes of their people and establish a democratic order.

14. Referring to the question of human rights and mass exoduses, his delegation emphasized the importance of maintaining contact between the United Nations and the Member States concerned. Due account should be taken of the economic causes of mass exoduses. His delegation expressed satisfaction at the completion of the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families and looked forward to its adoption at the current session of the General Assembly.

15. With regard to drug control, his delegation stressed the need to strengthen the illicit drug control system, including the mandate of the International Narcotics Control Board to assess legitimate requirements for narcotic drugs so that appropriate corrective action could be taken to meet those needs by making use of the stockpiles of licit drugs in traditional supplier countries such as India. His Government would also welcome further activities to suppress illicit drug trafficking, including measures to assist transit States in that regard.

16. Preparations for a world conference on human rights were extremely important and should ensure the broadest possible participation of Member States. In that connection, he stressed the need to underscore the indivisibility of all human rights and the link between development and the full enjoyment of those rights.

17. Mr. AL-JABER (Qatar) noted that when force was used against a country and its sovereignty usurped, the victim was human rights. All action taken within that country by the illegal occupying force was in violation of that country's laws and customs. Since an occupying Power had stepped into Kuwait, many of its citizens had been imprisoned and taken hostage, Kuwaiti identity had been abolished, and Kuwait's fundamental rights as a State had been usurped. The occupiers of Kuwait were actually implementing the same policy as the colonialist Powers of the past, and were violating international law in a manner unprecedented since the Second World War.

18. The principle of the free exercise of human rights had also been violated year after year in the occupied Palestinian territories, where killings, expropriations and mass imprisonment violated human rights and contravened the Fourth Geneva Convention of 1949 and Security Council resolutions.

19. Since the inception of the odious system of apartheid, many United Nations forums, including the Third Committee, had adopted resolutions calling for its abolition and aimed at helping the majority of the population of southern Africa to stand up against it. The apartheid policy persisted, however, in violation of civil and political rights.

20. Human rights were also the victim of both man-made and natural disasters. In Africa, civil conflict, famine and drought had caused hundreds of thousands of refugees to flee their homeland after seeing their human rights undermined. The same situation existed in El Salvador, Guatemala and Myanmar. His delegation believed that it was incumbent on the international community to protect the human rights of all peoples, particularly vulnerable groups who were denied the opportunity to enjoy their rights.

21. Mr. FUJITA (Brazil) welcomed the new sense of determination on the part of most delegations to restore the subject of human rights to its rightful place in international discourse. Recent events had underscored the relationship between international observance of human rights and the strengthening of a climate of confidence among nations. There was growing awareness of the need to overcome barriers to the full realization of human aspirations for freedom and dignity, and all nations were urged to strive for a world which enjoyed a free flow of ideas, people and goods. The difficulty of the United Nations task in that regard was no excuse for denying the universality of basic human rights and fundamental freedoms, or for granting special dispensations to countries in accordance with their degree of development. At the same time, he noted that in certain countries, including some industrialized ones, there had been a resurgence of xenophobia and of discrimination based on race, colour, language, religion or national origin. His delegation wished to reaffirm that all human rights and fundamental freedoms were indivisible and interdependent. Individual and collective rights deserved equal respect, and economic, social and cultural rights merited the same priority as political and civil rights. In some quarters, there was an eagerness to uphold individual political rights and a lack of interest in creating the necessary economic conditions for nations and regions to realize their right to development.

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(Mr. Fujita, Brazil)

The free flow of goods was hampered by protectionism and debt, while a free flow of ideas was impeded by the denial of access to scientific and technological knowledge.

22. His delegation had taken note of the report of the Secretary-General on a world conference on human rights (A/45/564) and emphasized the need for thorough preparatory work, to which it was ready to contribute constructively and actively, in order to ensure the success of such a conference. Preparations should include careful consideration of the mandate and scope of the conference, the level of participation, the resources available and the results expected. While his delegation was not opposed to discussing relevant new initiatives, it felt that the conference should serve as an occasion for promoting and consolidating universal adherence to existing standards and mechanisms.

23. His delegation had read with interest the report of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.3/45/1) and saw the draft Convention as an important addition to the body of human rights instruments. His Government would give careful consideration to the draft with a view to taking action on it in due course.

24. Turning to the conclusions and recommendations contained in the report of the Joint Inspection Unit (JIU) on the co-ordination of activities related to early warning of possible refugee flows (A/45/649), while his delegation felt that more effective co-ordination within the United Nations system of the activities of the relevant agencies and institutions could improve the early warning capacity of the Office for Research and the Collection of Information (ORCI), it noted a certain ambiguity in the mandate of ORCI, which seemed to be to forecast threats to peace as well as humanitarian emergencies. General Assembly resolution 44/164 gave ORCI a specific role in the humanitarian area, yet the JIU report referred to the monitoring of early warning of refugee flows as being one of the functions of ORCI. A clear distinction should be drawn between the activities of ORCI under programme 1 of the Medium-term Plan for 1992-1997, which were related to the maintenance of peace and security, and those under programme 36, which concerned refugees. Any reference which might be construed as an expansion of the activities of ORCI to new areas not included in a specific mandate approved by the General Assembly should be avoided.

25. His delegation was grateful for the reports on the situation of human rights in Afghanistan, Iran and El Salvador. While welcome progress had been made in those countries, the situation still required the attention of the international community. Brazil appealed to the authorities of the countries concerned to co-operate fully with the special rapporteurs and representatives and reiterated its position that United Nations activities in the field of human rights should be guided principally by ethical and humanitarian considerations and that it was not the Organization's role to pass judgement.

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26. Mr. ORDOÑEZ (Philippines) said that since the promotion and protection of human rights was one of the raisons d'être of the United Nations, the consideration of human rights questions did not constitute interference in the internal affairs of Member States. His delegation therefore fully supported the draft resolution on the situation of human rights in occupied Kuwait, which condemned the Iraqi authorities and occupying forces for violating the human rights of the Kuwaiti people and third State nationals.

27. Since the setting of international standards for the protection and promotion of human rights was one of the pillars of United Nations action, his delegation had welcomed the early entry into force of the Convention on the Rights of the Child and noted that at the current session, Member States had an opportunity to adopt the draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Adoption of the draft Convention would be a step forward in United Nations efforts to combat discrimination and promote human dignity and he hoped that Member States would welcome it with the same enthusiasm as the Convention on the Rights of the Child, especially since the spectre of migrant workers caught in civil strife and war called for immediate attention. His delegation particularly welcomed the provision on the right of migrant workers to organize and join unions or associations and to take part in their meetings and activities, which was in line with current efforts in the Philippines.

28. As a sponsor of the draft resolution proclaiming an international year for the world's indigenous people in 1993, his delegation was convinced that observance of that year would provide an opportunity to strengthen international co-operation in solving the problems faced by indigenous communities. It noted with satisfaction that the proposed world conference on human rights to be convened the same year would also draw attention to the situation of indigenous communities. The holding of a world conference on human rights should make a significant contribution to action to promote and protect human rights, but its success would depend on thorough preparation. He therefore endorsed the decision to establish a preparatory committee to make proposals to the General Assembly regarding various aspects of the conference.

29. The Philippines believed that regional arrangements could make a major contribution to the promotion and protection of human rights and noted that intergovernmental arrangements had been established for that purpose in some regions. His delegation was gratified at the growing recognition of the link between development and human rights and welcomed the designation of the library of the Economic and Social Commission for Asia and the Pacific (ESCAP) as a depository centre for United Nations human rights materials.

30. With regard to the mechanisms established by the Commission on Human Rights to monitor compliance with obligations under international human rights instruments, the system of appointing special rapporteurs, special representatives and independent experts on country situations and special rapporteurs on specific topics played a central role. The co-operation of the United Nations system, the Governments concerned and relevant non-governmental organizations should be enlisted for the purpose of ensuring that their reports were objective, impartial

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and non-selective. In that connection, the Philippines had invited the Working Group on Enforced or Involuntary Disappearances to visit the country from 27 August to 7 September 1990, and had given it free and full access to the persons and places it wished to visit, in accordance with the Government's policy of openness and transparency in all matters relating to human rights.

31. Mr. WARADI (Fiji) said that the various international human rights instruments were effective only to the extent that they were implemented and respected by all concerned. Since human rights was the raison d'être of the United Nations, it was incumbent on the Organization to take stock of remaining problem areas. The human rights situation reports highlighted some of the difficulties which could be encountered in carrying out that task, and those who had prepared them were to be commended for the efforts they had made to avoid politicization, prejudice and discriminatory bias and for their professionalism, objectivity and impartiality.

32. There had been a time when people in some parts of the world had been able to live in splendid isolation, but with the advent of better educational facilities and modern communications and technology, the world's inhabitants had become increasingly interactive. Global interdependence was fast becoming more than just a catch-phrase and had extended into areas such as human rights, which had once been regarded as the sovereign domain of States. The trend towards interdependence could be seen in the endeavours of small developing countries, such as Fiji, to cope with the growing stresses imposed on their peoples by the modernization process. In seeking to enhance the human condition, it was important to ensure that the means of development remained compatible with social cohesion and that respect for basic human rights was at the heart of the development process. Development in and of itself did not always contribute to the promotion of respect for human rights. Despite its geographical isolation, Fiji was part of the wider global village and was endeavouring to fuse the ingredients of its indigenous cultures with those of the modern world.

33. Mr. O'BRIEN (New Zealand) said that the protection and promotion of human rights and fundamental freedoms had always been one of the strands of the fabric of peace and that the dramatic changes on the international political scene meant that human rights might at last be accorded their rightful place as a dominant concern of international discourse. The current climate of increased political co-operation and widespread acknowledgment of a collective responsibility for the well-being of every man, woman and child held out the promise that universal human rights standards and mechanisms would finally come into their own. The proposed world conference on human rights would, if properly prepared, be a watershed and should make it possible to review the progress made and identify ways of strengthening the work of the United Nations in the field of human rights over the next 25 years.

34. New Zealand believed that work in the human rights field should proceed on the basis of three fundamental premises. The first premise was the universality of human rights, there being no justification for hiding behind claims of national sovereignty and non-interference. The treatment of an individual by a Government

(Mr. O'Brien, New Zealand)

was a legitimate subject for international concern and action. The second premise was recognition of the importance of taking a constructive, non-selective approach to allegations of human rights violations, focusing always on the implementation of human rights standards. The third premise was that States must look at their own societies at the same time as looking outwards - a point just made by the representative of Fiji.

35. New Zealand attached considerable importance to its own adherence to international human rights instruments. It had ratified the Convention against Torture and the Second Optional Protocol to the International Covenant on Civil and Political Rights and had signed the Convention on the Rights of the Child. The ongoing work on a draft declaration on the rights of indigenous peoples was of particular importance to New Zealand. The Government had initiated consultations with the Maori people concerning the declaration, believing that the views of indigenous peoples themselves must be taken into account in its drafting. The proclamation of an international year for the world's indigenous people in 1993 would focus further attention on indigenous issues.

36. Once the draft universal declaration on rights of indigenous peoples had been finalized, the United Nations standard-setting work in the field of human rights would be largely complete. It was essential to avoid minimizing or undercutting the solid work already achieved, by further proliferation of less important instruments. Implementation of existing standards must take highest priority.

37. The human rights treaty bodies had a particularly important role to play and New Zealand, which had recently presented its four-year report to the Committee on the Elimination of Racial Discrimination (CERD), valued the dialogue it had enjoyed with the Committee. New Zealand was concerned not only about the difficulties besetting that Committee, but about the resources situation of all the treaty bodies, and considered that the recommendations adopted at the recent meeting of the persons chairing those bodies deserved careful consideration. States parties must live up to their obligations in order to bring long-term relief of the financial burdens of the treaty bodies.

38. The resource situation of the Centre for Human Rights was a reason for particular concern and his Government was disturbed that, in spite of the consensus directive in Economic and Social Council resolution 1990/47 and calls from a wide range of delegations in the Third Committee, the Secretary-General had still not provided the report on how he intended to give the Centre at least interim relief. New Zealand appreciated the financial constraints of the United Nations but found it hard to believe that the Centre's crisis situation could not be alleviated. The Centre's work was too valuable to be so constrained and its advisory services, for example, needed to be strengthened and made more effective.

39. The recent Asia-Pacific seminar in Manila had been a first step in the regional approach to human rights and New Zealand had contributed to a similar seminar for the South Pacific region in the Cook Islands, the first human rights seminar to be held in that region. New Zealand noted with regret that the United

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(Mr. O'Brien, New Zealand)

Nations had tended to ignore the South Pacific region and hoped that it could continue to benefit from the Centre's expertise. He also commended the Centre on its public information campaign.

40. Violations of human rights could not be met with indifference or silence. The Commission on Human Rights had developed a range of mechanisms to deal with allegations of human rights violations and to examine specific conflict situations, which deserved full support. He noted that some of the special rapporteurs had begun to make preventive proposals; that practice should be encouraged. New Zealand supported the system of country visits and commended those countries which had opened their doors and sought assistance from the special rapporteurs. The international community should be most concerned about the countries which had refused to subject themselves to international scrutiny.

41. While New Zealand welcomed the commitment of El Salvador to work for an improvement in its human rights situation, it was greatly concerned by the continued conflict and loss of life and the slow progress in a number of important judicial proceedings. The continued hostilities in Afghanistan were a major impediment to the observance of human rights and New Zealand was disturbed at the reports of suffering inside and outside Afghanistan and among refugees. It was also disturbed at the allegations of continuing human rights violations in Iran but was gratified to note that the Government was still co-operating with the Special Representative and that the co-operation was bearing fruit. New Zealand supported the recommendation of the Special Representatives that their work should be continued.

42. His delegation noted with regret that, six months after the general elections in Myanmar, the people's vote in favour of a transfer of power from the military authorities had not been respected and that there were allegations of serious human rights violations. His Government joined with the other countries that had called for the transfer of power and the immediate release of political prisoners. The visit of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be followed up by further United Nations monitoring.

43. New Zealand also shared the sense of universal shock at the reports of gross human rights violations by Iraq in Kuwait and called for an end to the violence and suffering. The tragedy was further compounded by the large number of refugees and displaced persons from that conflict, who would swell the growing numbers throughout the world. All too often refugees and asylum seekers were subjected to new abuses and the United Nations must pay closer attention to the relationship between the existence of refugees and the abuse of human rights.

44. Mrs. BARGHOUTI (Observer for Palestine) said that in the State of Palestine the Israeli authorities continued their policy of oppression and denial of basic human rights. The situation in the occupied territories had seriously deteriorated, especially since the beginning of the *intifidah*. The United States State Department report on human rights in Israel and the occupied territories did not reflect the reality. The United States Government tried to water down the

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(Mrs. Barghouti, Observer, Palestine)

flagrant Israeli violations of human rights and divert the attention of the international community from Israeli repressive behaviour. However, the report did note some Israeli practices that were in conflict with the values and principles of the international community, stating that the Israeli occupation authorities had sought to end the intifidah through widespread arrests, detention, raids on homes and deportations.

45. A fact-finding mission to Palestine in June 1989 by two university professors and a former Deputy Supreme Commander of NATO had reported that the impression could be gained that the Israelis were using coercive measures to induce the Palestinian people still living in the occupied territories to leave their home country, or to cut them off from their economic, social and cultural life. That strategy was clearly aimed at expelling the Palestinians or breaking their ethnic will to survive in order to make room for Jewish immigrants from all over the world. Israel wanted Palestine but without the Palestinians.

46. Palestinian prisoners suffered harsh and demeaning treatment, the worst practice being interrogation for 18 consecutive days with no access to the International Committee of the Red Cross, their lawyers or their families. Interrogation was conducted by the Israeli Secret Service (Shin Beth) and torture and ill-treatment had been widely documented. The international community should bring pressure on the Israeli Government to comply with its obligations under the Charter.

47. Another adverse development was inequality of social security benefits for Palestinian workers. Trade unionists from the West Bank and Gaza who worked in Israel were subject to the same wage deductions as Israeli workers but did not receive any of the benefits. Palestinian workers also paid a percentage of their salaries as a tax to the Israeli workers' union but were denied membership of the union and therefore were not eligible for the union supplemental retirement pension. Israel had also denied Palestinians the basic right of education by closing schools and universities.

48. The massive Jewish emigration from the Soviet Union would ultimately threaten the very existence of Palestinian society by changing the demographic structure of the West Bank and Gaza and transforming the Palestinian majority into a minority. The Commission on Human Rights in its resolution 1990/1 had called upon the Government of Israel to refrain from settling immigrants in the occupied territories and had affirmed that the settling of Israeli civilians in the occupied territories was illegal. The Israeli authorities had responded by calling for a "greater Israel" to accommodate an anticipated influx of up to 100,000 Jews from the Soviet Union in the current year and up to 750,000 over the next five years. The President of the International Committee of the Red Cross had noted that the settlement of Jewish immigrants from the Soviet Union was a serious violation of the Fourth Geneva Convention.

49. She called upon the international community to compel Israel to abide by the guiding principles of the United Nations and the provisions of the Universal Declaration of Human Rights.

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50. Mr. VILLAGRAN DE LEON (Guatemala) said that, while differences in geography, natural resources, social customs and level of living created difficulties of varying degree in guaranteeing human rights, the struggle for human rights had generated changes in various regions of the world which gave hope that it might be possible to build an international order based on peaceful coexistence generated by mutual understanding and respect and not by force or terror.

51. Central America had been inspired by the new spirit of change to seek peaceful solutions to conflicts through dialogue and the strengthening of democracy. Guatemala appreciated the concern of friendly nations about its human rights situation and was determined to banish violence, demolish the barriers of misunderstanding and put an end to the confrontation that had divided its society and drained it of its productive energy. It had sought the backing of the United Nations to strengthen its human rights protection system and had co-operated openly with the treaty bodies, neither denying nor concealing the painful and complex truth. It hoped to be judged with objectivity and without distortion or prejudice.

52. Those who said that the violence in Guatemala was political in origin were unaware that there were other causes, such as ordinary crime motivated by social and economic difficulties, or drug-related crime, or subversive crime. Guatemala believed that the problem had been magnified and distorted by bad faith. His delegation therefore appealed for greater understanding and support and an objective assessment of the facts. There were positive factors, which offered a more constructive frame of reference, such as the consolidation of democracy and the recent elections, in which there had been wide popular participation and clear-cut results which no individual or political group had questioned.

53. During the current year an important dialogue had developed between various sectors of society and the armed rebel groups under the auspices of the national reconciliation commission with the support of the Government and the presence of a representative of the Secretary-General as observer. If the dialogue could be extended to all sectors, there would be good prospects of ending a senseless armed conflict, provided that the rebel groups demonstrated the will to end it by ceasing their terrorists acts.

54. The human rights problem in a country like Guatemala could not be assessed without reference to the violence perpetrated by irregular and drug-related armed groups and his delegation welcomed Commission on Human Rights resolution 1990/75 because its implementation would facilitate a more balanced study of the countries where such groups were active. The international community's support for the peace efforts in Central America and the peace dialogue and strengthening of democracy in Guatemala was a welcome and valuable incentive. Those who were working to consolidate a régime based on the rule of law needed understanding: rejection and condemnation by the international community would only encourage those who were trying to prolong the confrontation. The support of friendly countries was vital to Guatemala in its transition to democracy, to show those who were fearful of peace and genuine democracy that it was possible to build a better future.

55. Mr. SZELEI (Hungary) drew attention to the Charter of Paris signed at the recent summit meeting of the Conference on Security and Co-operation in Europe, which contained commitments to democracy based on human rights and fundamental freedoms, prosperity through economic liberty and social justice and equal security of States.

56. While the United Nations already had well-established monitoring and supervisory mechanisms to help in its task of protecting and implementing human rights, new challenges called for innovative approaches and new mechanisms. The main problem was still the behaviour of non-democratic States that disregarded or violated basic human rights. It was disturbing that those countries regarded even helpful appeals by the community of nations for the recognition of norms and standards, as interference in internal affairs.

57. It was the right and duty of all countries to monitor compliance with human rights obligations and to be accountable to the international community, and Hungary would not hesitate to oppose violations of human rights wherever they occurred. The special representatives and special rapporteurs of the Commission on Human Rights had been highly effective in promoting the implementation of human rights norms and standards and Hungary continued to support their important missions. It attached particular importance to country reports and welcomed the co-operative attitudes of the States directly concerned. It urged Governments which had not committed themselves to co-operate with international monitoring missions to heed the appeals of the international community to protect human rights.

58. His delegation appreciated the interim reports to the Third Committee on the human rights situations in Afghanistan, Iran and El Salvador, which showed that further international attention was needed, and it looked forward to the completion and updating of the reports to the Commission on Human Rights. Hungary believed that the Commission had acted in good faith, interpreting the international community's conscience and caring, in deciding to keep particular human rights situations under scrutiny in countries such as Myanmar, Cuba and Romania. It looked forward to the results of its inquiry and to its conclusions and recommendations. It was unfortunate that a draft resolution on the human rights situation in Iraq had been rejected by the Commission on Human Rights at its forty-sixth session by a small margin on a procedural motion. His delegation had expressed regret at the time that no action was being taken in a justified case of human rights violation. Now, after Iraq's brutal aggression against Kuwait, and its blatant human rights violations, he could only remind members of the Committee of the benefits of early warning by the United Nations.

59. Mrs. BASEER (Pakistan) said that the signing of the Geneva Agreements in April 1988 and the subsequent withdrawal of the Soviet troops from Afghanistan had been important and welcome developments. However, the Geneva Agreements had addressed only the external aspects of the problem and the framework for the internal settlement had been provided by General Assembly resolutions calling for the establishment of a Government which enjoyed majority support, the voluntary return of over 5 million refugees and the free exercise of the fundamental human right to self-determination.

(Mrs. Baseer, Pakistan)

60. The continued presence of over 5 million refugees, most of them women, children and old people representing one third of the Afghan population, reflected the state of human rights in the country. In his report, the Special Rapporteur had said that the main reasons given by the refugees for not returning home included the uncertain security situation in the provinces, the destruction of the greater part of the country's infrastructure, the dangers of unexploded mines and bombing and the absence of an Islamic Government.

61. Pakistan wanted the Afghan refugees to return to their country in safety and honour and had therefore given its full support to the pilot project sponsored by the United Nations for their voluntary repatriation. The project had not evoked any significant response and many had returned to Pakistan because they could not be assured of a secure and viable existence. Kabul's baseless allegations that Pakistan had tried to prevent the return of the refugees was belied by the fact that, several thousand Afghans, when forced to leave Kuwait, had chosen to come to Pakistan and live as refugees.

62. Nearly 30 million mines had been planted in different parts of Afghanistan and the areas to which the refugees were returning should be systematically cleared of mines under United Nations supervision. The mine awareness and disposal programme sponsored by the United Nations had a twofold effect: it could prevent loss of life and it made the refugees aware of the extent of the danger.

63. Pakistan, a developing country with limited resources, had for years borne nearly half the financial cost of providing the Afghan refugees with the basic necessities of life and the recent decline in international humanitarian assistance had aggravated the hardship of the refugees and placed Pakistan in a difficult financial situation. Cash assistance from UNHCR had declined from $46.1 million in 1987 to about $30.9 million in 1990 and the kerosene oil supply had been reduced from 39 million litres to 19 million litres. To meet the shortfall in wheat donated by the World Food Programme, the Government had had to release 570,000 metric tons of wheat worth $125 million from its own stock. It was becoming virtually impossible for Pakistan to fill the gaps in the international commitment to the needs of the refugees.

64. The key to the voluntary return of the Afghan refugees lay in finding a political settlement which enjoyed the support of the vast majority of the Afghan population. Pakistan was co-operating fully with the Secretary-General in promoting an acceptable political settlement which would enable the Afghan refugees living in Pakistan and Iran to return to their homes in safety and honour.

65. She drew attention to the gross violations of the basic human rights of the people in the occupied areas of Jammu and Kashmir. The spontaneous uprising of the Kashmiri people against the Indian occupation had been crushed by the Indian forces, who since January of the current year, had killed 2,500 civilians and maimed and injured many more. An extended curfew had seriously disrupted normal life in the Kashmir Valley, food scarcity and restrictions on the movement of people had crippled the economy of Kashmir and had left the people without basic medical and sanitary services. Indeed, the people of Kashmir were on the brink of starvation.

(Mrs. Baseer, Pakistan)

66. A virtual news blackout had been imposed by the Indian Government and had prevented the international community from gauging the true dimension of the violations of human rights in the territory. Amnesty International had been banned from entering the area but some independent observers, men of conscience and human rights organizations had managed to gather information on the acts of repression being perpetrated by India and had provided a rare glimpse of the reign of terror unleashed by India that had caused thousands of Kashmiris to flee the area.

67. India's claim that the will of the people of Jammu and Kashmir regarding the future status of the country had been determined in elections held under Indian control was a mere subterfuge to evade its international obligations and India's further assertion that Jammu and Kashmir were an integral part of India lacked any legal, political or moral justification. The massive uprising in Kashmir was an unambiguous rejection of the Indian contention and a reaffirmation of the fact that the people of Jammu and Kashmir continued to be denied the right to self-determination. The international community should not tolerate the reign of terror imposed by India; it was time for the United Nations system to monitor and investigate its human rights violations in Jammu and Kashmir through existing mechanisms. Pakistan was steadfastly committed to seeking a peaceful settlement in the dispute over Jammu and Kashmir in accordance with the relevant United Nations resolutions.

68. Mr. van SHAIK (Netherlands) said that his delegation was still deeply disturbed by the vast number of human rights violations in the world. On the other hand, it welcomed the end of the East-West confrontation and the fact that human rights were no longer hostage to cold war polemics. In the new political situation, a sustained effort should be made to strengthen the United Nations supervisory machinery which was very important in improving respect for human rights. In the regional context, he welcomed such encouraging developments as the mechanisms established by the Conference on Security and Co-operation in Europe (CSCE) which prescribed specific procedures enabling States to hold each other accountable for violations of human rights, the Commission established pursuant to the OAU charter of human and peoples' rights and the OAS Convention on Human Rights.

69. He hoped that the political trend in Central and Eastern Europe would lead to a constructive climate in dealing with future human rights issues. Whereas formerly Eastern European States sided with countries being scrutinized in an effort to avoid United Nations scrutiny themselves, now both East and West tended to adopt a more open approach towards examination of concrete cases of human rights violation. He warned, however, against the risk of a new configuration of loyalties that created a North-South confrontation with respect to such concrete cases.

70. His delegation had noticed with particular concern that the argument of non-interference by the international community in the domestic affairs of States had resurfaced. It was an argument used by Governments as an alibi for their dismal record of human rights violations. His own delegation's position was based on the universality of international human rights law, under which such violations

were a common concern of all nations and peoples. The contention that Article 2 (7) of the Charter precluded United Nations intervention in human rights matters was legally untenable. Article 2 (7) did not prejudice the human rights involvement of the United Nations on the basis of Articles 1 and 55, for example. Indeed, the history of 40 years of United Nations human rights action clearly demonstrated that the non-interference argument was invalid. Surely, no one would question the appropriateness of the United Nations resolutions and the decisions of the International Court of Justice relating to the system of apartheid in South Africa.

71. The non-interference argument was also untenable for political reasons. The common concern of States to respect human rights inspired by the Universal Declaration created a duty towards the people whose rights were violated by Governments to hold those Governments accountable. Indeed, it had been acknowledged by representatives of Uruguay, Argentina and Chile that the continuous questioning about the human rights situation in their countries by the international community was instrumental in effecting positive changes in their internal human rights situation.

72. While some Governments apparently had difficulty in reconciling their domestic laws with their obligations under the International Human Rights Covenants, it should be remembered that the Vienna Convention on the Law of Treaties stipulated that no State could invoke its internal law as a justification for its failure to perform a treaty. The stipulation also applied to international human rights law, under which States could not reverse the order of precedence between national and international law.

73. With dictatorial régimes being replaced by democratically elected governments in Central and Eastern Europe and in a number of Latin American countries, the question of impunity and responsibility for past human rights violations became highly pertinent. His delegation believed that in principle the facts of those violations should be investigated and published and those responsible should be prosecuted. The problem of impunity should be addressed in the United Nations in keeping with the precedents established by the Organization in the various international human rights instruments to which many Member States had become parties. The International Covenant on Civil and Political Rights, for example, provided for an effective remedy to be available to victims of human rights violations; the Convention on the Prevention and Punishment of the Crime of Genocide required States to punish perpetrators as did the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.

74. United Nations policy-making organs had also given their opinions on matters relating to impunity. In 1989, the Economic and Social Council had adopted a resolution denying blanket immunity to any person allegedly involved in extra-legal, arbitrary and summary executions (ECOSOC resolution 1989/65). Specific resolutions of both the General Assembly and the Commission on Human Rights had encouraged or appealed to Governments to investigate and punish violations of human rights. The resolutions of the Sub-Commission on Prevention of

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(Mr. van Shaik, Netherlands)

Discrimination and Protection of Minorities had urged States in which persons had been reported to have disappeared to repeal or refrain from adopting laws which could impede inquiries concerning such disappearances (resolution 15 (XXXIV)). His delegation urged Governments which had to cope with the ugly legacy of a repressive régime to demonstrate courage and formulate an investigation and prosecution policy that brought all the facts to light and rendered justice and not be guided by political expediency.

75. His delegation had chosen to address the issue of treatment of cases of human rights violations because the international community had an obligation to all the victims and should pursue a consistent policy of prevention in order to protect potential victims. Those rulers and officials who committed gross violations and considered themselves above the law should remember that today's prisoners could be tomorrow's rulers and vice-versa.

76. Mr. KOSTOV (Bulgaria) said that respect for human rights had become an integral part of international life, a key factor in the development of inter-State relations and the basis for international co-operation. It was the obligation of all States to respect and protect the rights of the individual, regardless of their political and social systems. With that in mind, his delegation favoured the convening in 1993 of a world conference on human rights, which should concentrate on developing a long-term human rights strategy, including the elaboration of new standards and better mechanisms for guaranteeing that States fulfilled their international human rights obligations.

77. The international instruments drafted since the establishment of the United Nations had served as a sound basis for ensuring human rights protection. In that context, his delegation welcomed the elaboration of the draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and called for its adoption at the forty-fifth session of the General Assembly.

78. The revolutionary changes in Eastern Europe had had a striking impact on the human rights situation in that part of the world. Efforts to bring national legislation and administrative and legal practice into line with universally recognized human rights standards lay at the core of Bulgaria's radical reform of its political system. Violations of the human rights of certain population groups had been firmly denounced, laws permitting persecution for political and other views had been abolished and the penal code had been amended. Freedom of association, freedom of speech and the right to demonstrate had been guaranteed. A multi-party system had been restored, new electoral laws had been adopted and free and democratic parliamentary elections had been held.

79. As part of that democratic process, Bulgaria would be attaching increased importance to respect for the political, civil and cultural rights of Bulgarians living in neighbouring and other States and would be making greater efforts to respond to their renewed interest in the Bulgarian homeland.

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(Mr. Kostov, Bulgaria)

80. A campaign had been started to acquaint the Bulgarian public with all international and regional human rights instruments. Every basic human rights instrument adopted within the framework of the United Nations would be published, some of them for the first time. His Government also hoped to carry out further initiatives with the assistance of the Centre for Human Rights.

81. Mr. KHOSHROO (Islamic Republic of Iran) said that consideration by the United Nations of the human rights situation in the Islamic Republic of Iran was an unfortunate example of the primacy of political considerations over human rights concerns. Nevertheless, his Government had extended full co-operation to the Commission on Human Rights in order to dispel the myth of human rights violations in his country.

82. Since January 1990, the Commission's Special Representative had twice visited the Islamic Republic of Iran and had had the opportunity to speak with individuals and go to places of his choice. The Government of Iran had also intensified its efforts to provide him with detailed information on allegations of human rights violations presented to him, most of which involved fictitious names fabricated by terrorist groups.

83. In response to the request made by the Special Representative, his Government had extended an invitation to the International Committee of the Red Cross (ICRC) to visit Iranian prisons and had requested advisory services from the Centre for Human Rights. Many clemency measures had been implemented, affecting a broad spectrum of prisoners. Administrative orders had been issued to ensure that all trials were held in public with a defence counsel present.

84. Regrettably, despite his Government's co-operation, the interim report drafted after the Special Representative's second visit in less than a year had taken a superficial and negative approach, reflecting the politically charged atmosphere in which it had been drafted. The report completely reversed the findings of the previous report and owing to political pressure did not give an accurate picture of the real situation. The general observations did not follow logically from the body of the report, magnified technical allegations and contained sweeping generalizations. The report also had a decidedly cynical slant and belittled the positive developments in the human rights area. The violations cited were based on an unnecessarily rigid interpretation of human rights instruments.

85. The Special Representative admitted that the recommendations he had made after his first visit had been implemented by the Iranian Government. In paragraphs 271-274 of the report, he acknowledged that, in response to his request, the Islamic Republic of Iran had invited ICRC to visit Iranian prisons with "no restrictions whatsoever as to the prisons that can be visited or the kinds of prisoners or their offences", that the Iranian Government had "requested technical assistance from the Centre for Human Rights", had "granted a number of amnesties which had benefited many prisoners" and had set up a special fund to provide the accused and convicted prisoners with financial aid. That decidedly short section concluded by recognizing that "the Government's co-operation with the Special

(Mr. Khoshroo, Iran)

Representative has improved and has come closer to, although it has yet to reach, what could be considered a desirable level". Yet, it was worded in such a way as to imply that the human rights situation in the Islamic Republic of Iran had deteriorated.

86. The reason for the harsh tone of the second report must be sought in the well-orchestrated campaign conducted by certain Governments to apply political pressure on the Special Representative. After his report on his first visit in January 1990, the Special Representative had been criticized for being too lenient and for having produced an incomplete report, and a letter campaign had been started to convince the Secretary-General to dismiss him.

87. As stated in paragraph 257 of the report, in the course of the visit the Special Representative had interviewed individuals said to have been executed. They had presented their identity cards, thereby proving that at least some of the allegations submitted to the Special Representative were utterly false. But whereas in the previous report the Special Representative had considered that information important enough to be included in the final observations, he had failed to do so in the final report and had even questioned on technical grounds whether the listed persons were identical with those who had appeared before him. Yet he had not applied such rigid standards when examining the allegations in paragraph 285, where he based his findings on the unsubstantiated claims of individuals.

88. The new information concerning terrorism in paragraphs 241-243, brought to the attention of the Special Representative, had not been included in the final observations. While the Special Representative contended that he had dealt with the issue in his first report and that the two reports should be considered together, he should not have neglected to cite the new information in his final observations. He also departed from the practice whereby an issue covered in the conclusion of a first report need not be addressed again in the observations contained in a second report.

89. In paragraph 280, the Special Representative made the sweeping generalization that "citizens who have availed themselves of the right of petition have not received a reply from the officials petitioned". In reality, a standing committee of the Parliament, the "Committee of Article 90", which he failed to mention, regularly heard complaints about members of the executive and judicial branches and was under obligation to reply to the petitioner.

90. By contending, in paragraph 285, that restrictions on the press "begin with the distribution of paper, which is in Government hands", the Special Representative had mistaken the Islamic Republic of Iran for a centrally planned economy. The Government subsidized paper, but did not control it, nor did it have a monopoly on the distribution of paper, most of which was imported.

(Mr. Khoshroo, Iran)

91. In paragraph 288, the Special Representative reproduced the unsubstantiated claims of people who opposed the Government as his own "evidence of people's uncertainty about the consequences of their actions" and cited as an example the words of a member of Parliament, who said "I am not secure enough to say what I want to say". In actual fact, that sentence had been quoted out of context, because in the statement from which it had been drawn, the parliamentarian had criticized the Government in a live broadcast on national radio, which was common practice. Anyone familiar with the workings of the Iranian Parliament knew that it was a forum for lively debate and criticism. It was unfortunate that the Special Representative had given a distorted picture of one of the country's strongest democratic institutions.

92. The allegations of mass and summary executions, arbitrary arrest, torture, abduction and involuntary disappearances and the execution of political prisoners had been explicitly rejected in the first report and omitted from the second. Having found no evidence to substantiate those baseless allegations and, in fact, having found evidence, as seen in the first report, to refute them, the Special Rapporteur had focused his attention on issues that by no stretch of the imagination justified international monitoring. It was apparent that a repetition of the allegations were an attempt to continue consideration of the question for purely political motives. That approach was not conducive to strengthening human rights monitoring mechanisms and would undermine beyond repair the authority and relevance of the United Nations.

93. Mr. RAZZOOQI (Kuwait) said the world was groping towards a new world order in which the Charter would be strengthened and fully implemented. As a Kuwaiti, he had seen his dreams for a better world shattered on 2 August 1990, when Iraqi forces invaded his country. In the 116 days since the occupation of Kuwait, barbarous practices of the Iraqi forces had brought about a terrible tragedy. Destruction, pillaging, rape, torture and summary executions had become commonplace, the victims being not only the Kuwaitis themselves but also the nationals of other States who were guests in that country. The Iraqi régime had no respect for the sanctity of human life or for international moral standards.

94. Press reports had documented numerous cases of torture and summary executions. The Iraqi régime even sought to eradicate any evidence that Kuwait ever existed by confiscating Kuwaiti passports and removing archives. Kuwaiti citizens had been ordered to register as Iraqis or face the consequences. Schools, libraries and museums had been systematically sacked, and streets and hospitals in Kuwait had been given Iraqi names, the aim being to destroy Kuwait's identity. The Iraqi régime was committing a crime against humanity.

95. But the united front of the peoples and Member States of the United Nations would make it possible for the legitimate Government to return and to celebrate the liberation of the people and the land of Kuwait from the Iraqi invader. That enterprise would succeed because the international community was prepared to stand with Kuwait to resist aggression and ensure peace and security for that country.

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96. Mrs. AL-FAHID (Kuwait) said that she had personally witnessed numerous examples of brutality and atrocities committed against the elderly in Kuwait. She cited cases of harassment, rape and various other forms of mistreatment, resulting at times in death. She appealed to the United Nations to come to the aid of the Kuwaiti people.

97. Mr. IBRAHIM (Kuwait) said that until very recently he had worked as a physician in a Kuwaiti hospital. He reported that most of the hospital staff had been terrorized; some had been tortured or killed. He himself had personally supervised the burials of 120 newborn babies, who had died as a result of being removed from their incubators. In another example of aggression against the civilian population, the Iraqi military had forced disabled and elderly persons to leave three care facilities so that the buildings could be used for military purposes and torture.

98. The CHAIRMAN thanked the representatives of Kuwait for their testimony. The silence in the room demonstrated the heartfelt response of the Third Committee to the suffering of the Kuwaiti people.

99. Mr. ALFARO-PINEDA (El Salvador) said that the Government of El Salvador had demonstrated its commitment to achieving peace by participating in the various negotiations which had taken place during the past year with the Frente Farabundo Martí para la Liberación Nacional (FMLN) notwithstanding that group's attacks on the civilian population and its attempts to destroy the economic infrastructure of the country.

100. His Government had supported and would continue to support United Nations efforts to act as a mediator in the conflict. It strongly condemned the recent increase in violence on the part of the FMLN, which had resulted in injuries and deaths among the civilian population and had weakened the national economy. There was no political basis for the escalation of the Salvadorian conflict; his Government remained open to a solution based on negotiation. In that connection, it was essential that the FMLN should respect the spirit and the letter of the Agreement on Human Rights, signed at San José, Costa Rica in July 1990, which had established a set of immediate measures to ensure respect for the rights of the non-combatant civilian population.

101. In his inaugural speech in 1989, the President of El Salvador had promised to protect human rights. It was therefore gratifying to note that in his report on the situation of human rights in El Salvador (A/45/630), the Special Representative had acknowledged the efforts made by the Salvadorian authorities to improve the situation of human rights. At the same time, the ongoing armed conflict in his country had led to serious human rights abuses. His Government was determined to build a modern society based on social justice reflecting the desire of the great majority of the Salvadorian people. His Government wished not only to improve the situation of human rights but also to establish measures to prevent any repetition of human rights violations. Various groups in his country had publicly condemned human rights abuses and vowed to combat them. Yet those efforts had often failed because respect for human rights had been politicized or manipulated to serve the

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(Mr. Alfaro-Pineda, El Salvador)

ideological interests of the leaders of those groups. In the end, political bias had created a distorted view of reality and prolonged a conflict caused by the obstinacy of those refusing to adopt a democratic and pluralistic approach. Such biased attitudes had become one of the main obstacles to ensuring genuine respect for human rights.

102. It would be disrespectful to those who had suffered to pretend that human rights abuses were not a reality in El Salvador. Yet, through the years, the armed forces had been blamed for committing those abuses, although there was abundant evidence of human rights violations by members of the FMLN.

103. Human rights violations were unacceptable in any State, regardless of its size, sphere of influence or ideology. His Government was seeking not only to end the armed conflict but also to achieve a sustainable peace, which would bring about true social justice. It was shaping a democratic process whereby conflicts were resolved through dialogue and political solutions. Throughout that long and difficult process, it was important not to forget those who had sacrificed everything, even their lives, to attain those goals.

104. Mr. MAVROMMATIS (Cyprus) said that new horizons in the field of human rights had been opened up by recent world events, including the granting of wide-ranging civil and political rights in Eastern Europe and elsewhere and the signing in November 1990 by the members of the Conference on Security and Co-operation in Europe (CSCE) of a treaty reaffirming the principles of respect for human rights. Those changes would have a direct bearing on the Committee's deliberations. The prevailing climate of reconciliation was leading towards peaceful settlement of regional and international conflicts, with the United Nations taking a more active and decisive role.

105. Only one international conflict remained to blot Europe's record: the continuing occupation by Turkey of the northern part of the Republic of Cyprus, which violated the human rights and fundamental freedoms of all Cypriots. The occupying army denied freedom of movement and residence within the borders of Cyprus to both Greek and Turkish Cypriots. Moreover, the implanting over the years of 80,000 Turkish settlers in Cyprus represented an obvious effort on the part of Turkey to change the demographic structure of the occupied areas and to dilute the political will of the Turkish Cypriot community.

106. The extent and seriousness of human rights violations by the Turkish troops had been documented by the European Commission of Human Rights and by the Commission on Human Rights, both of which had called for the restoration of human rights to all Cypriot citizens. Unfortunately, no progress could be reported in that area. In fact, since the Turkish invasion thousands of Greek Cypriots had left the occupied areas because of discrimination and harassment at the hands of the occupying army. In a further effort to divide the Republic of Cyprus permanently, the occupying forces had deliberately changed historic place names and had destroyed much of the rich cultural heritage of the country.

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(Mr. Mavrommatis, Cyprus)

107. The most tragic aspect of the Cyprus problem was that of the 1,619 missing persons, many were civilians, including women, children and elderly persons. The Cypriot Government possessed a wealth of evidence that many of those listed as missing had been seen or heard from after being taken into Turkish custody. Nevertheless, for the past 16 years, the Turkish side had been refusing to co-operate in efforts to trace the missing persons, maintaining that it had not detained any Greek Cypriots and that anyone claimed as missing must be considered dead. Although a Committee on Missing Persons in Cyprus had been established in 1981, it had not made any substantial progress. The Committee's work had been hindered by the severe limits on its powers, the refusal of the Turkish military authorities to provide evidence and the doubtful reliability of the witnesses' testimony.

108. The Government of Cyprus had co-operated fully with the investigation of missing persons cases and would continue to do so. Yet, such efforts were fruitless unless the Committee on Missing Persons began to function more effectively. Three elements were needed to achieve that goal: the Committee's investigations should be carried out not only in the area under the control of Turkish troops but also in Turkey itself; the freedom of movement in Cyprus and Turkey of the three Committee members had to be ensured; and the investigative procedure should be expanded to include exhumation and forensic examination of dead bodies.

109. The Secretary-General was still striving to find a negotiated solution to the Cyprus problem. The Government of Cyprus had exerted every effort to arrive at a just solution, which would safeguard the rights and interests of both communities. Unfortunately, those efforts had been blocked by the refusal of the Turkish Government to negotiate in a serious manner and by its demands for the permanent division of Cyprus.

110. The people of Cyprus were still basing their hopes on the international community. In particular, their expectation was that the United Nations, in its new position of strength and power, would help to find a satisfactory solution to his country's grave difficulties.

111. Mr. MUJICA (Cuba), commenting on human rights situations of particular concern to his delegation, said that the international community must remain vigilant in its struggle against *apartheid* lest it encourage intransigence on the part of the white minority, thus delaying the dismantling of the *apartheid* system. Of even greater concern was the situation in the Israeli-occupied Arab territories, where violence against the Arab population was blocking the way to the achievement of a just and lasting peace in the Middle East.

112. His Government endorsed the recent efforts of the Secretary-General to assist in seeking a solution to the conflict in El Salvador. In that connection, the Agreement on Human Rights, between the Government of El Salvador and the Frente Farabundo Martí para la Líberación Nacional (FMLN), provided an important basis for further agreements.

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(Mr. Mujica, Cuba)

113. In spite of the efforts of its President, the Guatemalan Government had been unable to exert enough authority to put an end to the assassinations, kidnappings and threats by the death squads. It was to be hoped that a continuation of the Oslo dialogue between the Guatemalan Government and the Unidad Revolucionaria Nacional Guatemalteca would contribute to improving the human rights situation in that country.

114. In the last few years, human rights had become one more issue to be exploited by certain Western Powers in their attempts to interfere in the internal affairs of States and to promote social discord in the developing countries. Euphoric over the recent events in Europe and steeped in mercantile culture, those Powers wished to use the United Nations as an instrument of their hegemonistic goals, which they masked as concern about humanitarian issues.

115. He was not referring to the sincere concern that a Government might demonstrate with respect to a particular situation in which human rights were being violated. Nor was he referring to the important role of non-governmental organizations and the media in disseminating information about such situations. What was being called into question was the hypocrisy of using human rights issues for the purpose of political destabilization and with a view to imposing political models on other societies and impeding the exercise of the principles on which the United Nations rested, namely, respect for the self-determination of peoples and for their independence and sovereignty.

116. Those who regarded human rights as their private sphere of action were precisely those who were largely responsible for the tragic situation of the peoples of the southern hemisphere, the large majority of whom lacked basic health care, proper nutrition and education. They were also largely to blame for the difficult situation of the Governments of developing countries, caught between enormous debt burdens, the need for structural adjustment, and the decline in living conditions of their populations.

117. While the spokesmen of many powerful countries of the North boasted about the advent of a peaceful new stage in international relations, the supposed benefits were not being directed to the South, whose people continued to be the targets of policies of aggression and interference and economic, political and military pressure. The industrialized societies of the North treated the countries of the South with contempt while attempting to indoctrinate them in their own ways. However, the industrialized countries could hardly be said to be commendable models. The international community should look into the situation in those countries, where many serious social problems were rampant, in particular, inequality, racism, unfair treatment of migrant workers (particularly those from third world countries), prostitution, violence, drugs, and the concentration of wealth in the hands of the few.

118. The hypocritical positions adopted by certain countries could only widen the gap between the interests of the developed world and those of the third world with respect to the objectives which had led to the establishment of the United Nations.

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(Mr. Mujica, Cuba)

119. The Cuban revolution had as its aims the defence of the sovereignty and independence of the country and the achievement of equality ensuring that all Cubans could fully enjoy their collective and individual human rights. Even before the revolution, the United States had intervened to prevent the exercise of those rights, and now persisted in waging a brutal propaganda campaign against his country. Those obstacles notwithstanding, his country had succeeded in lowering the infant mortality rate to 10.3 per thousand live births, and Cuba provided more doctors to the developing countries than did the World Health Organization. The consumption of drugs as a social phenomenon had been eliminated, prostitution had been prohibited and all Cubans enjoyed equal opportunities.

120. Recalling the unsurpassed bravery of the Cuban people in their struggle to liberate themselves from régimes supported by the United States, he said that the Cuban people would never tolerate the so-called torture and reign of terror which, according to the allegations of the United States delegation, prevailed in Cuba. For the United States Government to set itself up as a judge in respect of human rights was an insult to the intelligence of the international community. The United States continued to intervene unchecked, militarily and politically, throughout the world, in defiance of international law. Moreover, the United States, which amassed enormous wealth mainly by exploiting the resources of the third world, was a profoundly racist society in which millions of blacks, Hispanics, Indians and other groups were deprived of their most basic rights. Institutionalized racism persisted in criminal and civil law, and practice favoured the rich over the poor and whites over other population groups. Legal manoeuvring continued to permit the exploitation of Hispanics and other non-whites as cheap labour. The United States judicial system had always been used by the Government to condemn political activists as criminals before national and world public opinion.

121. The United States Government had sought through its vicious campaign of lies to induce other countries to join its anti-Cuban propaganda campaign. He urged those States not to allow themselves to be tricked into adopting such a position, because it would undermine respect for them in the international community. The resolution adopted in the Commission on Human Rights against his country was based solely on lies and fabrications and had nothing to do with human rights. It was simply one more example of the attacks directed by the United States Government against his people for over 30 years.

122. He recalled that in 1979 the Sub-Commission on Prevention of Discrimination and Protection of Minorities had found that a pattern of violations of the human and legal rights of minorities existed in the United States. The United States Government had ignored the condemnation of those violations, and in subsequent years the situation had grown worse.

123. His country would not tolerate the manipulation of human rights or permit the powerful to impose their will by force under any pretext, and would continue to denounce injustice, immorality and illegality wherever it occurred.

124. Mr. CHRYSSANTHOPOULOS (Greece), referring to continuing human rights violations in Cyprus, said that it was a matter of great concern that Cyprus continued to be subjected to the occupation of almost 40 per cent of its territory and to serious and massive violations of human rights and fundamental freedoms. Referring to the report of the Secretary-General on the implementation of the resolution of the Commission on Human Rights pertaining to Cyprus (E/CN.4/1990/21), he noted that Commission resolution 1987/50 and the relevant resolutions of the General Assembly and the Security Council had never been implemented by Turkey.

125. Consequently, 200,000 Cypriots remained refugees in their own country, following the Turkish invasion of July 1974 and the continuing occupation of part of the Republic of Cyprus. Their homes and property had been seized and given away under false titles to persons other than their lawful owners. Missing persons were still unaccounted for after 16 years. It was absolutely necessary to enhance the effectiveness of the Committee on Missing Persons, and his delegation therefore fully supported the three-point proposal put forward in that regard by the representative of Cyprus.

126. Greek Cypriots in the occupied part of Cyprus were subject to systematic harassment and were thus being forced to leave their homes. There had been 22,000 Greek Cypriots in the occupied area after the 1974 invasion; the number had now decreased to 593. Turkey was also trying to change the demographic structure of the occupied areas through the massive transfer of settlers from eastern Turkey, generating pressures and even violence between the settlers and the Turkish Cypriot community. Turkey had blatantly disregarded Security Council resolution 541 (1983) and other United Nations resolutions and also article 49 of the Fourth Geneva Convention. The European Commission of Human Rights had also found that Turkey had violated fundamental articles of the European Convention on Human Rights. The cultural heritage of Cyprus in the occupied territory was also being pillaged, sold and even destroyed.

127. Because the individual was the sole beneficiary of human rights and fundamental freedoms, it was imperative to give paramount importance to safeguarding human rights and fundamental freedoms in Cyprus, particularly freedom of movement, freedom of settlement and the right to property, which were basic components of the rights which an individual should enjoy in a free society. Turkish Cypriot intransigence had caused the intercommunal talks to collapse in March. The report of the Secretary-General on his mission of good offices in Cyprus (S/21183) noted that the current impasse had raised questions about the essence of the mandate of good offices entrusted to the Secretary-General by the Security Council and, therefore, about the basis of the talks. The Security Council, by its resolution 649 (1990), had rejected the attempt to change the basis of the talks. Thus, the likelihood of an overall settlement of the Cyprus problem had diminished.

128. In April and June 1990, the Heads of State or Government of the European Community had expressed deep concern at the situation and reaffirmed their previous declarations and their support for the unity, independence, sovereignty and territorial integrity of Cyprus in accordance with the relevant United Nations resolutions. They had reiterated that the Cyprus problem affected relations

(Mr. Chryssanthopoulos, Greece)

between the Community and Turkey and, bearing in mind the importance of those relations, had stressed the need promptly to eliminate the obstacles to effective intercommunal talks aimed at finding a just and viable solution to the situation in Cyprus on the basis of the mission of good offices of the Secretary-General as reaffirmed by Security Council resolution 649 (1990). The Secretary-General was continuing his efforts to implement his plan of action. Greece, for its part, in close co-operation with the Government of Cyprus, would continue to give its full support to his mission and hoped that it would soon be successful.

129. The problem of Cyprus could not be solved until the Turkish occupying forces and settlers withdrew from Cyprus and the people of Cyprus as a whole could enjoy their fundamental freedoms and the fruits of co-operation and unity without external intervention. He once again urged Turkey fully to implement the relevant resolutions of the Commission on Human Rights and other United Nations bodies.

130. Mr. ALI (Iraq), speaking in exercise of the right of reply, said that it was truly to be regretted that such a lofty issue as human rights should be exploited for the political purposes of interfering in the internal affairs of States and pillorying other countries. The same delegations that had voted against or remained silent on draft resolutions calling for respect for the human rights of the Palestinian people in the occupied Arab territories had lamented the human rights situation in various other parts of the world. The adoption of such political double standards evinced a transparent hyprocrisy among nations.

131. The United States of America, whose representative had decried the human rights situation in Iraq in his statement to the Committee on 21 November 1990 (A/C.3/45/SR.49), conducted its international relations with a cowboy mentality. In his statement, that representative had reiterated lies and allegations concerning Iraq based on no objective evidence, while closing his eyes to the crimes of Israel, the strategic ally of the United States, against the Palestinians and the Arabs in Lebanon and the other occupied Arab territories.

132. While the United States was perhaps the wealthiest country in the world, it was the most impoverished with regard to respect for human rights, whether within the country or in connection with its military crimes and police actions in various parts of the world. Everyone knew how many millions of Americans were living on refuse in the streets and dying of poverty, lack of access to medical treatment and drug addiction. Such were the human rights enjoyed by Americans of which the United States representative had been ashamed to speak. The acts of murder, seizure, terrorism and disregard for human rights committed by the United States in Latin America, the Middle East and Asia were well known to all. It was sufficient to point to the tens of thousands murdered by United States military forces in Panama. Those who lived in glass houses should not throw stones.

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133. Mrs. DINH THI MINH HUYEN (Viet Nam), speaking in exercise of the right of reply, said that there were no political prisoners in Viet Nam, contrary to the assertion made by the representative of Italy at an earlier meeting. Since the liberation of South Viet Nam in 1975, her Government, as part of its lenient and humanitarian national reconciliation policy, had freed and restored citizenship to approximately 1.3 million people who had collaborated with foreign armed forces during the Viet Nam war. There had been no reprisals in Viet Nam like those that had occurred in Europe after the Second World War. Persons who remained in detention had committed serious crimes during the Viet Nam war and were war criminals, not political prisoners. Had they been brought to trial, they could not have escaped capital punishment or life imprisonment. Most of them had been released following the annual amnesties, and the Government had helped them to reintegrate into society. Only 128 such persons remained in detention and the Government was considering their cases with a view to their release. People who were in detention in Viet Nam had violated the law; they were not in detention because of their ideology or beliefs.

134. Mrs. KUNTJOROJAKI (Indonesia), speaking in exercise of the right of reply to the remarks made by the representative of Italy on behalf of the 12 States members of the European Community, said that allegations of human rights violations in East Timor were totally unfounded. She drew the Committee's attention to a letter from the Permanent Representative of Indonesia concerning East Timor, which had been circulated as document A/45/549.

135. Since the decision of the people of East Timor to integrate with Indonesia 14 years earlier, certain factions within and outside East Timor had sought to deny that legitimate right. It was those disgruntled factions that had made unfounded allegations in an effort to destabilize the province and detract from the real progress that had been made in political, economic, social and cultural development, in other words, the increasing enjoyment of human rights in all their aspects.

136. Freedom of movement to, from and within East Timor was guaranteed and her country had always welcomed the contributions of genuine and responsible human rights organizations to efforts to improve and protect human rights. Such co-operation was consistent with her country's past actions in promoting respect for human rights throughout the world.

137. Mr. ABOU-HADID (Syrian Arab Republic), speaking in exercise of the right of reply, said that his delegation regretted the fact that the representative of Italy, in his statement on behalf of the 12 States members of the European Community, had referred to the domestic situation in Syria. That representative was not in a position to be informed of the situation in Syria and his allegations were unfounded.

138. Mr. SIDDIG (Sudan), speaking in exercise of the right of reply, said that he wished to respond to the statement made by the representative of Norway in his capacity as special adviser on human rights, to the effect that the situation of human rights in the Sudan was not improving. Successive Sudanese Governments had endeavoured to negotiate with a segment of society that had chosen to resort to armed struggle to change the Government and constitutional, political, economic and social systems in his country. Efforts by the current Government to negotiate with the rebels had failed, primarily because of foreign interference. A national conference for peace and development held at Khartoum in 1989, had recommended a basic programme for peaceful negotiations with the rebels. Successive Governments had also paid special attention to the welfare of citizens affected by the armed conflict in southern Sudan. His country was particularly proud of Operation Lifeline Sudan, which had set a historical precedent.

139. He was pleased to announce that in recent weeks his Government had decided to release all political detainees, despite the fact that they had been held on justifiable legal grounds. Moreover, at a recent meeting in New York with the Secretary-General of Amnesty International, the President of the Sudan had extended an invitation to visit his country to verify all allegations concerning the Sudan's so-called human rights violations. He urged all those concerned with the issue of human rights to endeavour to obtain the facts concerning human rights in the Sudan and elsewhere from reliable, admissible sources.

140. Mr. GATHUNGU (Kenya), speaking in exercise of the right of reply, said that at the Committee's 52nd meeting, the Norwegian representative had said that Norway had found it dispiriting to observe imprisonments and detentions of advocates of human rights and democratization in Kenya. In fact, no Kenyans were currently being detained because of their advocacy of human rights or democratization. Three people, whose names had been published in accordance with the provisions of the Constitution, had been detained under the Preservation of Public Security Act, and their detention was constantly under review by a tribunal headed by a high-court judge.

141. The decision of the Government of Kenya to sever diplomatic relations with Norway was a bilateral issue that need not concern the Committee. The Government of Norway had been duly informed of the circumstances leading to that difficult decision, circumstances that had been provoked by unfriendly, hostile activities and an arrogant attitude on the part of the Norwegian Government.

142. Kenya was an open society governed by the rule of law. Like every other country, including Norway, it had a responsibility to safeguard its security. Individuals who engaged in activities inimical to national security were dealt with according to due process of law as set forth in the code of criminal procedure. Kenya had nothing to hide as regards its human rights record.

143. Mrs. FERNANDO (Sri Lanka), speaking in exercise of the right of reply, said that, at the Committee's 53rd meeting, the representative of Australia had referred to a recent incident in Sri Lanka in which documents intended for the Working Group on Enforced or Involuntary Disappearances had been seized by a police officer. The documents in question had been returned, and the person concerned would be free to use them in accordance with the laws of the country, under which tampering with evidence by anyone, including a police official, was a punishable offence. It was not government policy to hinder the free flow of information, and there was free and open discussion of all issues in Parliament and in the press. The Government would continue to co-operate with the relevant United Nations bodies and had extended an invitation to the Working Group on Enforced or Involuntary Disappearances to visit the country and witness the open discussion of human rights issues by the many national human rights organizations.

144. Government efforts in the north and east of the country were directed towards restoring law and order and persuading the Liberation Tigers of Tamil Eelam (LTTE) to participate in elections. The Government was deeply conscious of the suffering inflicted on civilians in those areas, and it had taken all possible measures to protect life and property and alleviate hardship there.

145. Her Government would continue to welcome constructive criticism with a view to strengthening its efforts to preserve and promote constitutionally guaranteed fundamental freedoms and international human rights norms. It nevertheless felt that it had to reject reports that failed to take account of the complexities of the situation in Sri Lanka, particularly at a time when the Government and Tamil and Muslim groups were engaged in an all-party conference to seek political solutions that would address the fundamental causes of the violence.

146. Mrs. ZAMERESCU (Romania), speaking in exercise of the right of reply, said that, in all its statements to the Third Committee, her delegation had explicitly affirmed that while Romania was irreversibly embarked on the road to democracy, it had yet to cross the border separating a democratizing country from a democratic one. Her delegation welcomed the statement made by the representative of Canada to the effect that the Romanian Government had made a real effort to overcome the difficult and painful legacy of the past, not because such a perception would save the Government further and more systematic efforts in bringing its legislation and practice in the field of human rights up to the level of the highest international standards, but because it correctly suggested that Romania had the political will to carry that process through. The achievement of an all-inclusive democratic framework was first and foremost a matter of time, and the elaboration of a new constitution was undoubtedly of vital importance in that respect. At the same time, Parliament was considering new laws to complement and strengthen existing legal norms for the promotion of human rights, including a law on national minorities.

147. The allegations made in the statement by the representative of another country in connection with the human rights situation in Romania revealed a regrettable failure to adhere to objective, internationally accepted criteria in assessing the difference between respect for and violation of human rights.

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148. Mr. VAJPAYEE (India), speaking in exercise of the right of reply, said that his delegation rejected the unwarranted allegations made by the representative of Pakistan. Pakistan's espousal of human rights in the Indian state of Jammu and Kashmir while at the same time aiding and abetting terrorism, secessionism and fanaticism was a dangerous paradox that it should abandon. The terrorists in question had maimed and murdered thousands of innocent people, and the Indian authorities were striving to punish the guilty and restore nomalcy. Selective references to disturbances in Jammu and Kashmir could not conceal the fact that Pakistan was behind those who incited such disturbances.

149. Moreover, Pakistan's human rights record in its own provinces of Sind and Baluchistan was tarnished. Its self-serving definition of self-determination, which did not apply to integral parts of sovereign nations, could only be a recipe for disintegration in Pakistan itself, as well as elsewhere. Various linguistic groups within Pakistan had expressed their discontent, and if Pakistan's doctrine of self-determination were to be applied to itself, the implications for that country could be serious.

150. India sought to promote its agreement of friendship and co-operation with Pakistan, whereas Pakistan gave every indication of attempting to undermine it. In a world where mistrust and confrontation seemed to be giving way to trust and co-operation, the two countries should be working to strengthen security and confidence. Pakistan's incessant attempts to inflame matters by interfering in India's internal affairs ran counter to the forceful and constructive direction that the rest of the world wished to take.

151. Mr. HUSSAIN (Pakistan), speaking in exercise of the right of reply, said that although answers to most of the issues raised in the statement by the representative of India were contained in the statement made by his delegation earlier in the meeting, a few points needed to be made in order to set the record straight. The question of Jammu and Kashmir was still on the agenda of the Security Council, and the Kashmiri people had yet to exercise their right to self-determination through a plebiscite held under United Nations auspices, as required by the relevant Security Council resolutions. Elections under Indian control could not be a substitute for such a plebiscite, as had been recognized by the Security Council in its resolutions of 1951 and 1957. Kashmir was a disputed territory, the uprising of the Kashmiri people against Indian occupation was not an internal problem of India, and India could not evade its responsibility for grave violations of human rights and fundamental freedoms by making baseless allegations of interference against Pakistan.

152. A report by an Indian human rights organization issued in August 1990 had revealed harassment and torture of innocent people by the Indian authorities and cases of arson on a massive scale. Another report, also issued in August 1990, had described the indiscriminate killing of some 300 to 400 people in May of the same year.

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(Mr. Hussain, Pakistan)

153. The representative of India had made unwarranted remarks about Pakistan which constituted gross interference in its internal affairs. His delegation had confined its comments to events in Kashmir, which was a disputed territory, and had said nothing of the violence in the Indian Punjab, where more than 3,000 people were reported to have been killed since the beginning of 1990, or in other parts of India. Those were internal Indian problems, and Pakistan had every sympathy with India in the problems with which it had to contend. With respect to Kashmir, however, India had a moral obligation to abide by the relevant Security Council resolutions and to honour its commitment to the people of Kashmir and to the international community. The representative of India had alluded to terrorism. The only terrorism that existed in Kashmir was that launched by Indian forces against unarmed men, women and children.

154. Mr. BURGUOGLU (Turkey), speaking in exercise of the right of reply, said that his delegation had stated on numerous occasions that the hostile allegations made on the issue of Cyprus could in no way be helpful to efforts to find a solution. The Cyprus problem had originated in 1963, when the Greek Cypriots, encouraged by Greece, had forcibly removed all Turkish Cypriots from all the organs of state established in 1960 to give effect to the respective rights of the two communities to self-determination. That act of aggression, which had put an end to the Cypriot State, had been followed by armed attacks by Greek Cypriots against Turkish Cypriots that had forced the latter to leave their villages and neighbourhoods and live in enclaves cut off from the rest of the world. The Greek Cypriot Administration had then continued to commit gross violations of the human rights of Turkish Cypriots throughout the next 11 years.

155. As long as the Greek Cypriots harboured such animosity against the Turkish Cypriots, it would be impossible to create the atmosphere of confidence between the two parties that was essential for a solution. As long as the Greek Cypriots continued to attack the Turkish Cypriots, the future partners with whom they must inevitably reach an accommodation, no rapprochement between the two peoples of the island that might lead to a solution could be envisaged. As long as the Greek Cypriots continued to sustain a mentality based on a felt need to subjugate the Turkish Cypriots, which had caused nothing but suffering for 27 years, it would be impossible to create a bi-communal and bi-zonal federation based on the equality of the two parties, as stipulated in Security Council resolution 649 (1990).

156. The allegations that had again been made did not give cause for optimism. The Greek Cypriots would be well advised to abandon their harmful and dangerous mentality for ever. By virtue of Security Council resolution 649 (1990), they were called upon to refrain from any action that could aggravate the situation and prejudice the mission of good offices of the Secretary-General.

157. In connection with the statement made by the Secretary-General at the summit meeting of the Conference on Security and Co-operation in Europe, no mention had been made of the fact that the Secretary-General had also said that the question of Cyprus had persisted for 27 years. Those had been the key words of his statement, and the Turkish delegation was in full agreement with the Secretary-General on those key words.

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(Mr. Burguoglu, Turkey)

158. Greece too was continuing to opt for the same rhetoric that had led nowhere. It had done everything in its power to annex Cyprus and had even fomented a coup with that purpose in mind in July 1974. It therefore bore a very heavy responsibility for the problem and was in no position to accuse others.

159. The way to a settlement of the question was indicated in Security Council resolution 649 (1990), which called upon the two communities to pursue their efforts to reach freely a mutually acceptable solution by means of negotiations conducted by the two peoples of the island on an equal footing.

160. Mr. RAZZOOQI (Kuwait), speaking in exercise of the right of reply, said that the Iraqi delegation did not deserve the dignity of a response. The Iraqi régime was an outcast, its brutality was well known, and its representative should be ashamed to take the floor on any issue involving human rights.

161. His delegation would like to commend all those who had spoken of the violation of human rights in Kuwait and to offer them its sincere gratitude. Special gratitude was due to the representative of the United States and to the United States Government, which had done so much in its attempt to alleviate the sufferings of Kuwait and to restore legitimacy.

162. Mr. ELIADES (Cyprus), speaking in exercise of the right of reply, said that the representative of Turkey had made a feeble attempt to evade his country's responsibility for the gross and continuing violation of human rights in Cyprus. Turkey was likewise unconvincing when it spoke of its acceptance of European principles in seeking admission to the European Community, and its true character could be seen in its policy on the question of Cyprus.

163. The Turkish Cypriot pseudo-State was totally dependent on Turkey's political, military and financial support, in flagrant violation of United Nations resolutions. As long as it continued to occupy a substantial part of the Republic of Cyprus, Turkey was unable to demonstrate respect for the human rights and fundamental freedoms of all Cypriots and could only do so by withdrawing its 35,000 troops and 80,000 colonialist settlers from the island. Turkey lacked the moral standing even to allude to human rights, having been found guilty by the European Commission of Human Rights of gross, systematic and massive violations of the human rights of the Cypriot people and of its own citizens on the mainland.

164. Mr. CHRYSSANTHOPOULOS (Greece), speaking in exercise of the right of reply, said that it was astonishing that the coup of 15 July 1974, which had been staged by conspirators who were now serving life sentences in Greece, had been invoked by the representative of Turkey. That representative should be reminded that, in the second preambular paragraph of its resolution 649 (1990), the Security Council recalled its relevant resolutions on Cyprus, resolutions which his country continued to violate. Turkey must abide by all the relevant United Nations resolutions on Cyprus without exception.

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165. Mr. MENON (India), speaking in exercise of the right of reply, said that neither the status of Jammu and Kashmir as an integral part of India nor India's commitment to human rights could be altered by Pakistan's provocative statements. It was to be hoped that Pakistan would desist from interfering in the internal affairs of India, that it would cease foiling India's efforts to maintain relations of good-neighbourliness by opting for confrontation and violence and that it would grasp the need for developing countries to work for the good of their peoples rather than indulging in perilous, provocative and mischievous activities.

166. Mr. HUSSAIN (Pakistan), speaking in exercise of the right of reply, said that, in response to the issues raised by the representative of India, he would merely like to draw attention to the points made earlier by his own delegation.

167. A team of four women sent to Kashmir by an Indian human rights organization in June 1990 had reported that the security forces were being used by the State to terrorize the Kashmiri people into submission. The dismal situation in occupied Kashmir has also been described in a recent newspaper article in the United States.

168. While Pakistan would continue to pursue its policy of developing relations of good-neighbourliness with India and other countries of the region, it would like to be assured of India's intentions in that regard. A peaceful settlement of the Kashmir dispute in accordance with the relevant Security Council resolutions would attest to its sincerity.

The meeting rose at 8.45 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
55th meeting
held on
Wednesday, 28 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. SOMAVIA (Chile)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (*continued*) (A/C.3/45/L.60, L.61, L.63, L.64 and L.65)

1. The CHAIRMAN invited the Committee to take action on the draft resolutions submitted under agenda item 107 and said that they had no programme budget implications.

Draft resolution A/C.3/45/L.60

2. The CHAIRMAN invited the Committee to take action on the draft resolution entitled "International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa", introduced at the 49th meeting by the representative of Tunisia on behalf of the States Members of the United Nations who were members of the Group of African States.

3. Draft resolution A/C.3/45/L.60 was adopted.

4. Mr. WALLDROP (United States of America) stressed that while his delegation had joined in the consensus on the draft resolution, it none the less had reservations about the text. In its view, the second, fourth and seventh preambular paragraphs and paragraph 5 no longer corresponded to the real situation. The wording of the draft resolution should have been revised to take into account the recent improvement in the situation in southern Africa.

5. Mr. CUTTAFAVI (Italy), speaking on behalf of the 12 States members of the European Community, also expressed regret that the second, fourth and seventh preambular paragraphs and paragraph 5 of the draft resolution did not take into account the positive developments in the situation in southern Africa.

Draft resolution A/C.3/45/L.61

6. The CHAIRMAN invited the Committee to take action on the draft resolution entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees", introduced at the 49th meeting by the Philippines on behalf of the sponsors, who had been joined by Chad, Ethiopia and Yugoslavia.

7. Draft resolution A/C.3/45/L.61 was adopted.

8. Mr. WALLDROP (United States of America) said that his country recognized the importance of the assistance provided to refugees by the countries of first asylum and transit countries which had sponsored the draft resolution. However, the United States was opposed, on principle, to the enlargement of any committee, including the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, and his delegation had not, therefore, supported resolution L.61.

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Draft resolution A/C.3/45/L.63

9. The CHAIRMAN invited the Committee to take action on the draft resolution entitled "Emergency humanitarian assistance to Liberian refugees and displaced persons", introduced at the 49th meeting by the representative of Guinea on behalf of the sponsors, who had been joined by Costa Rica, Cuba, Egypt, France, Guatemala and Guyana. The Secretariat had taken note of corrections to the French version.

10. Draft resolution A/C.3/45/L.63 was adopted.

Draft resolution A/C.3/45/L.64

11. The CHAIRMAN invited the Committee to take action on the draft resolution entitled "Office of the United Nations High Commissioner for Refugees", introduced at the 49th meeting by the representative of Sweden on behalf of the sponsors, who had been joined by Argentina, Djibouti, Ghana, Guinea, Guinea-Bissau, Malawi, Nigeria and the Philippines.

12. Miss KAMAL (Secretary of the Committee) recalled that in introducing the draft resolution, the representative of Sweden had made the following oral revisions: in in the eighth preambular paragraph, the words "are commensurate with" had been replaced by the word "meet"; in the ninth preambular paragraph, the words "timely and" had been deleted.

13. Draft resolution A/C.3/45/L.64, as orally revised, was adopted.

Draft resolution A/C.3/45/L.65

14. The CHAIRMAN invited the Committee to take action on the draft resolution entitled "International Conference on Central American Refugees", introduced at the 49th meeting by the representative of Guatemala on behalf of the sponsors.

15. Draft resolution A/C.3/45/L.65 was adopted.

16. The CHAIRMAN invited the Committee to take up the draft resolutions submitted under the sixth cluster of items and said that they had no programme budget implications.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (continued) (A/C.3/45/L.50)

Draft resolution A/C.3/45/L.50

17. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights". He recalled that in introducing the draft resolution, the representative of Canada had orally revised paragraph 6 to read as follows:

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(The Chairman)

> "Encourages the Secretary-General to proceed with the circulation to the various States parties to the United Nations human rights instruments, as soon as possible, of the detailed reporting manual to assist States in the fulfilment of their reporting obligation;".

He also pointed out that in paragraph 16, the word "meeting" in the second line should read "meetings", and announced that Germany, Poland and Saint Kitts and Nevis had joined the sponsors of the draft resolution.

18. Draft resolution A/C.3/45/L.50 was adopted without a vote.

19. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 89.

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/C.3/45/L.47, L.48, L.57/Rev.1, L.66)

Draft resolution A/C.3/45/L.47

20. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Human rights and scientific and technological developments" and said that France, Greece and Samoa had joined the sponsors of the draft resolution.

21. Draft resolution A/C.3/45/L.47 was adopted without a vote.

Draft resolution A/C.3/45/L.48

22. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Human rights and scientific and technological developments", which Togo had joined in sponsoring.

23. Draft resolution A/C.3/45/L.48 was adopted without a vote.

Draft resolution A/C.3/45/L.57/Rev.1

24. The CHAIRMAN proposed deferring a decision on the draft resolution entitled "Need to ensure a healthy environment for the well-being of individuals" to allow further consultations to take place.

Draft resolution A/C.3/45/L.66

25. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Guidelines for the regulation of computerized personal data files".

26. Draft resolution A/C.3/45/L.66 was adopted without a vote.

27. Mr. FULDA (Germany) said that his Government had joined in the consensus on the draft resolution, although it had reservations with regard to principles (3), (5), (6) and (8). Those reservations were set out in document A/44/606.

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28. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 93.

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD (*continued*) (A/C.3/45/L.51)

Draft resolution A/C.3/45/L.51

29. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Convention on the Rights of the Child" and he said that the following countries had joined the sponsors of the draft resolution: Botswana, Cameroon, Guinea-Bissau, Guyana, Lesotho, Niger, Panama, Paraguay, Saint Kitts and Nevis, Togo, Zambia and Zimbabwe.

30. Draft resolution A/C.3/45/L.51 was adopted without a vote.

31. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 97.

AGENDA ITEM 105: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (*continued*) (A/C.3/45/L.53)

Draft resolution A/C.3/45/L.53

32. The CHAIRMAN invited the Committee to consider the draft resolution entitled "International Covenants on Human Rights".

33. Mr. DUHS (Sweden) said that Cyprus had joined the sponsors of the draft resolution.

34. Mr. AL-SAUD (Saudi Arabia) said that his country had joined in the consensus on draft resolution A/C.3/45/L.53. He nevertheless wished to indicate his reservations with regard to the reference, in the fourth and seventh preambular paragraphs and in paragraphs 8, 10 and 19, to the Second Optional Protocol to the International Covenant on Civil and Political Rights, to which Saudi Arabia was not a party.

35. Draft resolution A/C.3/45/L.53 was adopted without a vote.

36. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 105.

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (*continued*) (A/C.3/45/L.55)

Draft resolution A/C.3/45/L.55

37. *The CHAIRMAN* invited the Committee to consider the draft resolution entitled "Elimination of all forms of religious intolerance" and said that Côte d'Ivoire, Fiji and Senegal had joined the sponsors of the draft resolution.

38. *Draft resolution A/C.3/45/L.55 was adopted without a vote*.

39. *The CHAIRMAN* announced that the Committee had concluded its consideration of agenda item 106.

AGENDA ITEM 109: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (*continued*) (A/C.3/45/L.49, L.52, L.54)

Draft resolution A/C.3/45/L.49

40. *The CHAIRMAN* reminded the Committee that Seychelles had been listed erroneously as a sponsor of the draft resolution. It should be replaced by Senegal. In addition, Romania had joined in sponsoring the draft resolution.

41. *Draft resolution A/C.3/45/L.49 was adopted without a vote*.

Draft resolution A/C.3/45/L.52

42. *The CHAIRMAN* announced that the United States of America had become a sponsor of the draft resolution.

43. *Draft resolution A/C.3/45/L.52 was adopted without a vote*.

Draft resolution A/C.3/45/L.54

44. *The CHAIRMAN* announced that Burundi, Costa Rica, Guinea, the Libyan Arab Jamahiriya, the Niger and Nigeria had become sponsors of the draft resolution.

45. *Draft resolution A/C.3/45/L.54 was adopted without a vote*.

46. *Mr. CUTTAFAVI* (Italy), speaking on behalf of the European Economic Community, said that the Twelve had joined in the consensus on the draft resolution under consideration because they condemned the torture and inhuman treatment of children in detention in South Africa and everywhere else in the world. However, the Twelve regretted that the resolution did not appropriately reflect the evolution of the situation in South Africa since the adoption of resolution 44/143 on the issue.

47. *Mr. WALLDROP* (United States of America) said that his delegation had not opposed the adoption without a vote of draft resolution A/C.3/45/L.54 but had reservations about paragraphs 1, 2 and 3, which did not take sufficient account of the considerable progress made in recent years towards a settlement in South Africa.

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48. Mr. DUHS (Sweden), speaking on behalf of the Nordic countries, said that the five Nordic countries adhered to the principles set forth in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the Declaration on the Rights of the Child. Those principles should be universally respected, and the violations they suffered in South Africa were deplorable. However, the text of the newly adopted resolution would have been preferable if it had taken more fully into account the changes which had occurred in South Africa.

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued) (A/C.3/45/L.56, L.58, L.59, L.96)

Draft resolution A/C.3/45/L.56

49. The CHAIRMAN recalled that, in document A/C.3/45/L.96, Cuba had introduced amendments to draft resolution A/C.3/45/L.56.

50. Mr. MORA (Cuba), introducing the amendments to draft resolution A/C.3/45/L.56, said that the United Republic of Tanzania was also sponsoring the amendments. The Cuban delegation felt that draft resolution A/C.3/45/L.56 did not take into account the resolution adopted by consensus the preceding year (A/RES/44/146), which had been the result of long and difficult negotiations and which had contained components that were important to many of the countries represented in the Third Committee, particularly the reference to *apartheid*, the reaffirmation of national sovereignty and the recognition that no single system could serve as a model for all societies. Draft resolution A/C.3/45/L.56 not only included components that did not correspond to any General Assembly directive, but even contravened Article 2, paragraph 7, of the United Nations Charter.

51. While it was true that the United Nations had provided electoral assistance in very special cases that should be considered in the context of decolonization, nothing seemed to indicate that countries tended to request that type of assistance from the United Nations. The draft resolution should be amended to reflect considerations on which a consensus had been reached previously.

52. Moreover, paragraph 8 had been omitted. Cuba had introduced paragraph 8, which was among the most important. In that paragraph, the General Assembly, echoing paragraph 8 of resolution 44/146, called upon the Commission on Human Rights to continue its consideration of appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections, in the context of full respect for the sovereignty of Member States, and to report to the General Assembly through the Economic and Social Council. That paragraph was especially important inasmuch as the Commission had not pursued its consideration as requested, so that the General Assembly did not have the benefit of that body's views. The Commission on Human Rights must therefore be called upon again to fulfil its mandate. After reading out paragraph 8 of resolution 44/146, he pointed out that the only changes his delegation had made to the paragraph in question concerned the number of the session of the Commission on Human Rights and of that of the General Assembly.

53. Miss ZINDOGA (Zimbabwe) said that her country had become a sponsor of the amendments to draft resolution A/C.3/45/L.56.

54. The CHAIRMAN suggested that the Committee should defer a decision on the draft proposals submitted under agenda item 110, i.e. draft resolution A/C.3/45/L.56 and its amendments contained in document A.C.3/45/L.96, as well as draft resolutions A/C.3/45/L.58 and L.59, until consultations on the item had been completed.

55. It was so decided.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/C.3/45/L.62, L.69 to L.90)

56. The CHAIRMAN invited the Committee to consider the draft resolutions which had been submitted under agenda item 12.

Draft decision A/C.3/45/L.62

57. Mr. HELLER (Mexico) introduced, on behalf of the sponsors, draft decision A/C.3/45/L.62 on the adoption of an international convention on the protection of the rights of all migrant workers and members of their families. The Working Group on the drafting of that convention had arrived at a consensus text (A/C.3/45/1), which had been submitted to the Third Committee. That text left only one question unanswered, namely, how the operating expenses of the Committee responsible for the application of the convention would be financed. Article 72, paragraph 8, of the draft convention suggested two alternatives. The draft decision under consideration proposed eliminating the brackets around the first half of paragraph 8 of that article and deleting all of the second half of the paragraph, which was also in brackets.

58. The universal nature of the rights set forth in the convention meant that all States were responsible for ensuring their respect. Consequently, the Committee should not be kept from fulfilling its mandate for financial reasons.

Draft resolution A/C.3/45/L.69

59. Mr. YEGOROV (Byelorussian Soviet Socialist Republic) introduced, on behalf of the sponsors, draft resolution A/C.3/45/L.69 on the status of the Convention on the Prevention and Punishment of the Crime of Genocide. The draft resolution reaffirmed that genocide was a crime which violated the norms of international law and that it was necessary for all States to comply strictly with the Convention on that subject. The body of the resolution once again condemned the crime of genocide and reaffirmed the necessity of international co-operation in order to liberate mankind from it.

60. More than 100 States had ratified the Convention or had acceded to it. The delegations of the Republic of Poland and the Byelorussian SSR called on those States which had not yet become parties to the Convention to ratify it or accede thereto without further delay.

(Mr. Yegorov, Byelorussian SSR)

61. In the light of the rationalization of the work of the Third Committee, the sponsors of the draft resolution proposed in paragraph 5 that the next report of the Secretary-General on the status of the Convention should be considered at the forty-seventh session of the General Assembly. They hoped that draft resolution A/C.3/45/L.69 would be adopted without a vote.

Draft resolution A/C.3/45/L.70

62. Mr. TROTTIER (Canada) introduced draft resolution A/C.3/45/L.70 regarding human rights and mass exoduses on behalf of the sponsors, which had been joined by Samoa and the United States of America. In the draft resolution under consideration, the General Assembly invited all Governments and intergovernmental and humanitarian organizations concerned to intensify their co-operation in world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses. It invited the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons. It welcomed the report of the Joint Inspection Unit entitled "The co-ordination of activities related to early warning of possible refugee flows". It also requested the Secretary-General to intensify his efforts to develop the role of the Office for Research and the Collection of Information of the Secretariat as a focal point for the operation of an effective early-warning system and the strengthening of co-ordination of information-gathering and analysis among United Nations agencies with a view to preventing new massive flows of refugees and displaced persons. Lastly, it invited agencies of the United Nations system to consider the most expedient ways and means of following up the recommendations on co-ordination of the Joint Inspection Unit. His delegation hoped that draft resolution A/C.3/45/L.70 would be adopted by consensus.

Draft resolution A/C.3/45/L.72

63. Ms. VASSILIOU (Greece), speaking on behalf of the sponsors, introduced draft resolution A/C.3/45/L.72 on developments relating to the activities of the Centre for Human Rights. She wished to begin by pointing out a technical omission. In the first line of paragraph 2, after the phrase "in conformity with his commitment", it was necessary to insert a footnote indicator for footnote 4, which was also indicated in paragraph 1 and referred to document E/1990/50, paragraph 59.

64. The report of the Secretary-General entitled "Situation and developments regarding the logistical and human rights resources support for the activities of the Centre for Human Rights in the field of human rights" showed that the Centre's work-load had increased in recent years while its resources had failed to keep pace with the increase in its responsibilities. The activities of the Centre were indeed numerous. They included the servicing of human rights treaty bodies, the protection of minorities, research, technical assistance, standard-setting and advisory services. Acting on that report, the Economic and Social Council had adopted resolution 1990/47, which requested the Secretary-General to submit a brief report to the General Assembly at its forty-fifth session on actions taken in 1990

(Ms. Vassiliou, Greece)

and those planned for 1991, as interim solutions of those problems. Unfortunately, the Secretariat had not submitted that report to the Third Committee in time for it to be considered under agenda item 12. As a result, the Committee had not been able to express its views on the matter. It had been forced to prepare a resolution without having received the Secretary-General's proposals as to how the Centre's urgent needs, clearly described in document E/1990/50, could be met for the current biennium.

65. Paragraph 1 of the draft resolution under consideration requested the Secretary-General, in conformity with his commitment in paragraph 59 of his report (E/1990/50), to include in the proposed programme budget for the biennium 1992-1993 programme and resource proposals for long-term solutions to the problems posed by the situation of the Centre.

66. Paragraph 2 requested the Secretary-General, in conformity with his commitment and in the context of the revised estimates for the current biennium, to submit to the General Assembly at its present session programme budget proposals, including proposals concerning human resources, that would provide interim solutions to the problems posed by the resource situation of the Centre.

67. Paragraph 3 requested that the report that had not been submitted to the Third Committee as requested in resolution 1990/47 of the Economic and Social Council should be submitted to the Commission on Human Rights at its next session.

68. The last paragraph requested the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the implementation of the resolution under consideration.

69. With respect to operative paragraph 2, which requested the Secretary-General to submit programme budget proposals - including proposals on human resources for 1991 - that would provide interim solutions to the Centre's urgent needs, the sponsors of the draft resolution under consideration had also requested a statement of the financial implications of that request. However, no such document had been provided. The absence of any of the requested information placed the Third Committee in a difficult position, and she suggested that a representative of the Secretariat should explain to the Committee how the Secretariat intended to approach the issues raised in paragraph 2. The Third Committee, which dealt with human rights questions, should have its say on the financing of the Centre, whose efforts to carry out its activities were all the more commendable since it had not received any additional support to date. The States Members of the United Nations had pledged to promote and protect human rights and fundamental freedoms and should do their utmost to help to improve the Centre's financial situation.

70. Mrs. WARZAZI (Morocco) pointed out that expenditures relating to human rights amounted to less than 1 per cent of the United Nations budget. Her delegation had several times drawn attention to the Centre's financial difficulties without receiving a reply to its requests for information on the matter. It was essential to provide the Centre with additional human resources. In that connection, her delegation wondered whether, as a temporary solution, the staff of the United

(Mrs. Warzazi, Morocco)

Nations Council for Namibia, which had been dissolved, might not be reassigned to the Centre for Human Rights. In any case, her delegation associated itself with the concerns expressed by the representative of Greece and joined the sponsors of the draft resolution that delegation had submitted.

71. Mr. THORNBERRY (Director, Office of the Under-Secretary-General for Administration and Management) said that the report requested by the representative of Greece had been approved the day before and was about to appear. The delay in issuing it had been caused by the many consultations that had been required not only with the Under-Secretary-General for Human Rights but with Governments and many non-governmental organizations. Steps had been taken at the highest level to consider the question and, in particular, to make a quantitative analysis of the needs. A study of the Centre's management was in progress and it was already apparent from it that, apart from the unquestionable devotion of the Centre's staff, it suffered from an acute staff shortage. The problem was how to redeploy human resources to the Centre quickly, in view of the fact that financial resources were subject to strict control and that Member States had already established the priorities to be assigned in the programme budget for the 1990-1991 biennium. He did not see how those priorities could be changed in the middle of the biennium, especially as Member States insisted on the principle of a zero-growth budget.

72. Responding to the Moroccan representative's suggestion, he said it was not possible to reassign the staff of the former United Nations Council for Namibia to the Centre for Human Rights because the Advisory Committee on Administrative and Budgetary Questions had insisted that the savings resulting from the Council's dissolution should go to Member States. Moreover, the Contingency Fund for 1991, which amounted to $15 million, had already been completely allocated. In those circumstances, the Secretariat's capacity to allocate additional resources to the Centre for Human Rights within the programme budget for the current biennium was extremely limited. It must be understood that the redeployment of resources to the Centre necessarily involved the curtailment of other programmes mandated by the deliberative bodies, and the Secretariat, whose attachment to the cause of human rights was beyond question, did not have a free hand. The question of the financing of human rights activities was even more difficult than the Moroccan representative had suggested in so far as expenditures in that field amounted in fact to only 0.7 per cent of the entire United Nations budget. Consequently, unless countries were appealed to for additional extrabudgetary contributions, he did not see how the additional resources the Centre needed could be obtained.

73. Ms. VASSILIOU (Greece) asked whether, in view of the fact that the Secretary-General recognized the urgency of the problem, the report to be issued contained specific proposals. Delegations could certainly not tell the Secretariat what it must do, but if the Secretariat considered human rights a dominant concern, it should make the necessary efforts to put forward proposals for temporary and long-term solutions to the problem.

74. Mr. BARKER (Australia) supported the Greek delegation and said that in his view the explanations put forward by the Director of the Office of the

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(Mr. Barker, Australia)

Under-Secretary-General for Administration and Management contained nothing new. His delegation regretted that the promised report had not yet been submitted to the Committee and did not understand the reasons for the delay.

75. Mr. DUHS (Sweden) said that his delegation agreed with the Greek and Australian delegations.

76. Mr. COTTAFAVI (Italy), speaking on behalf of the Twelve Member States of the European Economic Community, supported the opinions just put forward and expressed the wish that, after delegations had seen the report, Mr. Thornberry might meet with the members of the Third Committee again before they finished their work. Although it was for Member States to decide what action to take, it would nevertheless be useful for them to have the views of a representative of the Secretariat.

77. Mr. MORA (Cuba) agreed with the Greek representative; it was important that the Centre's needs should be stated clearly in the report to be submitted. Cuba would also like to know if the report would contain information on the programmes to which any increase in the resources allocated to the Centre would be devoted and, if there was no increase, on what other solutions the Secretariat saw for the problem.

78. Mr. KHODAKOV (Union of Soviet Socialist Republics) supported the views of Greece, Sweden, Australia and Italy, and hoped that the Secretariat would put forward specific proposals quickly. To the degree that Member States entrusted new tasks to the Centre for Human Rights it was very important that the Centre be given adequate resources.

79. Mr. THORNBERRY (Director, Office of the Under-Secretary-General for Administration and Management) said that the Secretariat's survey dealt more with the 1992-1993 biennium than with 1990-1991. The Secretary-General would consult the Under-Secretary-General for Human Rights and re-examine the Centre's budget from a methodological point of view as well. As things now stood, he saw no other possibility than that of resorting to extrabudgetary funds, unless Member States decided to revise the priorities they had established for 1991.

80. He noted the comments of delegations concerning the delay in issuing the report. He would point out, however, that the confusion with respect to the exact nature of the report had not made the Secretariat's task easier. The representative of the USSR had put his finger on the problem: Governments assigned new tasks to the Centre but it was not given additional resources.

81. The CHAIRMAN thanked Mr. Thornberry for his participation in the discussion. He regretted, however, that the discussion had not taken place earlier rather than three days before the conclusion of the Third Committee's work. In terms of substance, the problem of inadequate resources was a familiar one to members of the Committee. What was important was to take a decision. The Italian delegation's proposal that the question should be reviewed with Mr. Thornberry after the members of the Third Committee had seen the forthcoming report was therefore useful.

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82. Mr. KHODAKOV (Union of Soviet Socialist Republics) said that if he had understood Mr. Thornberry correctly, the report did not contain specific proposals. Certainly, Member States entrusted new tasks to United Nations bodies, but they were entitled to expect the Secretariat to provide them with information on the needs entailed. When they had the relevant information, Member States could take an informed decision.

83. Mr. RAVEN (United Kingdom) said he agreed with the views just expressed. Pointing out that the report in question was in principle intended for the Fifth Committee, he asked if it could also be submitted to the Third Committee.

84. Mr. THORNBERRY (Director, Office of the Under-Secretary-General for Administration and Management) said he would take note of the request made by the United Kingdom representative. The Secretariat would see if it was possible to respond positively to it.

Draft resolution A/C.3/45/L.73

85. Mrs. WARZAZI (Morocco), introducing the draft resolution, thanked the sponsors for their fruitful co-operation and announced that Japan, Nepal, Turkey and Zaire had joined the list of sponsors. In the light of the events which had occurred in the world last year, the idea of holding a world conference on human rights seemed particularly appropriate. It appeared that, after years of confrontation, a consensus on the indivisibility of human rights had finally been reached. In the draft resolution, the General Assembly decided to convene, in 1993, a World Conference on Human Rights which would review the progress which had been made in that field since the adoption of the Universal Declaration of Human Rights and would examine ways and means to improve implementation of existing human rights standards and instruments. The draft resolution was essentially procedural in nature. It entrusted a Preparatory Committee, which was open to all Member States, with the task of making proposals regarding the agenda, date, duration and venue of the Conference, and of ensuring that preparations for the Conference took place at the international, regional and national levels. In order to avoid the problems which had been encountered by the preparatory committees for the recent conferences on the environment and on drugs, the Preparatory Committee would elect a five-member bureau. The sponsors would give careful consideration to the proposed amendments to the draft, provided that the amendments did not weaken the consensus which had already been reached on that text.

Draft decision A/C.3/45/L.74

86. Mr. FURE (Norway) said that Denmark had joined the list of sponsors of the draft decision. The United Nations Voluntary Fund for Indigenous Populations had been established pursuant to General Assembly resolution 40/131 for the purpose of providing financial assistance to representatives of indigenous communities and organizations which wished to participate in the deliberations of the Working Group on Indigenous Populations, which was a subsidiary organ of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In 1989 and 1990, 58 representatives from 25 countries had benefited from the Fund, which had received,

(Mr. Fure, Norway)

during the same period, contributions amounting to $US 209,383. Those contributions had been received from the Member States sponsoring the draft decision and from Switzerland, the Baha'i International Community and the Shimin Gaikou Centre in Japan. The sponsors hoped that there would be a consensus in the Third Committee to call on Governments, non-governmental organizations and representatives of indigenous groups to consider contributing to the Fund, and to disseminate information about its activities.

Draft resolution A/C.3/45/L.77

87. Mr. HELLER (Mexico) said that the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had completed its work at its last session, held from 29 May to 8 June 1990. The drafting of that text, which dealt with diverse questions relating to the rights of migrant workers, had required 11 years of work. The draft Convention, contained in document A/C.3/45/1, was the fruit of the continuous dialogue which had been established with representatives from the migrant workers' countries of origin and host countries. In the operative part of the draft, the General Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, called upon all Member States to consider acceding to the Convention as a matter of priority, requested the Secretary-General and United Nations agencies and organizations to ensure the dissemination of information on the Convention, and requested the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the status of the Convention.

88. Since the draft resolution had been prepared in a constructive spirit, with the wish to accommodate the points of view of all parties, and since it responded to the need to protect the rights of millions of migrant workers, he hoped that the draft resolution would be adopted without a vote. Finally, he announced that India, Lebanon and Nigeria had joined the list of sponsors of the draft resolution.

Draft resolution A/C.3/45/L.81

89. Mr. METSO (Finland) said that Poland had joined the list of sponsors of draft resolution A/C.3/45/L.81. In the draft resolution, after having recalled Economic and Social Council resolution 1989/65, which contained the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, and Council resolution 1989/64 on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, the General Assembly strongly condemned the large number of summary or arbitrary executions which continued to take place in various parts of the world. Further, the Assembly welcomed the Council's approval of the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur to consider the questions related to summary or arbitrary executions. Finally, the Assembly welcomed the recommendations made by the Special Rapporteur with a view to eliminating such executions. His delegation hoped that, as in previous years, the draft resolution would be adopted without a vote.

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Draft resolution A/C.3/45/L.82

90. Mr. MORA (Cuba) said that he was concerned at certain negative tendencies which had come to light during the debate on human rights in the Third Committee. It seemed that certain countries sought to use the debate for tendentious purposes, in particular to intervene in the internal affairs of other countries in order to impose models or standards which were not necessarily suited to their socio-economic systems. That was why draft resolution A/C.3/45/L.82, submitted by Cuba, made express reference to General Assembly resolution 36/103, which contained the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States. The purpose of the draft resolution was to strengthen the work of the United Nations in the human rights field through the strict observance of the principles contained in the aforementioned Declaration as well as in Articles 55 and 56 of the Charter of the United Nations. To that end, in paragraph 6, the Assembly requested the Commission on Human Rights to establish at its forty-seventh session an open-ended working group to examine the possibility of elaborating a declaration regarding the strengthening of United Nations action in the human rights field through the promotion of international co-operation and the strict observance of the principle of non-intervention. In the light of the widening gap between prosperous and poor countries, such co-operation was becoming increasingly necessary.

Draft resolution A/C.3/45/L.83

91. Mr. OLIYNYK (Ukrainian Soviet Socialist Republic), introducing draft resolution A/C.3/45/L.83, entitled "Non-discrimination and protection of minorities", said that the title of the draft had been inspired by the name of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which was itself sufficiently eloquent. He outlined the content of the draft and drew attention to the International Covenant on Civil and Political Rights, the only instrument - or almost the only one - which protected the rights of minorities, in particular in its article 27, as well as to the work of the Organization in that area. His delegation had taken great pains to ensure that the text could be adopted by consensus. The resolution would facilitate and accelerate work on the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

The meeting rose at 1.05 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
56th meeting
held on
Wednesday, 28 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 56th MEETING

Chairman: Mr. SOMAVIA (Chile)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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4 December 1990

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The meeting was called to order at 3.55 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (*continued*) (A/45/3)

Draft resolution on International Year for the World's Indigenous People (A/C.3/45/L.84)

1. Mr. MARANTZ (Canada), introducing the draft resolution on behalf of the sponsors, who were joined by New Zealand and Vanuatu, said that its aim was to promote international co-operation for the solution of the many problems facing indigenous communities. It called upon Governments, intergovernmental and non-governmental organizations, in addition to the organizations of the United Nations system, to consider the contributions they could make to the success of the International Year and authorized the Secretary-General to administer voluntary contributions from the former. He hoped that the draft resolution would be adopted by consensus.

Draft resolution on enforced or involuntary disappearances (A/C.3/45/L.85)

2. Mr. GOMPERTZ (France), introducing the draft resolution on behalf of the sponsors, who were joined by the United States, New Zealand and the United Kingdom, said that the text differed little from General Assembly resolution 44/160, which had been adopted at the last session by consensus.

3. The preamble contained a new paragraph 4 concerning the harassment of witnesses of disappearances or relatives of disappeared persons because they were so often the targets of harassment. A new operative paragraph 4 had also been added, which noted with satisfaction that the Working Group on Detention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities had completed work on the draft declaration on the protection of all persons from enforced or involuntary disappearances. He hoped that the draft resolution would be adopted by consensus.

Draft resolution on human rights in the administration of justice (A/C.3/45/L.86)

4. Mr. SCHERK (Austria), introducing the draft resolution on behalf of the original sponsors as well as New Zealand and the Netherlands, said that the draft recognized the significant work accomplished in human rights in the administration of justice under the United Nations crime prevention and criminal justice programme especially by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and in particular with respect to the formulation and application of United Nations norms and standards.

5. In the interest of achieving a consensus, he proposed a few minor amendments. In preambular paragraph 6, the words "with a view to making final recommendations" should be deleted. In the last preambular paragraph, the date should be changed to read "15 December 1989". In operative paragraph 7, after the words "requests the Commission on Human Rights" he proposed to insert the clause "bearing in mind the work of the Committee on Crime Prevention and Control". In the third line of

(Mr. Scherk, Austria)

operative paragraph 8 (b), and in the second line of operative paragraph 9, the word "sample" should be deleted. At the end of operative paragraph 12, he proposed the addition of the following words: "on the basis of a report of the Secretary-General on the implementation of the present resolution".

Draft resolution on regional arrangements for the promotion of human rights (A/C.3/45/L.87)

6. Mr. RIETJENS (Belgium), introducing the draft resolution on behalf of the sponsors, said that Belgium was firmly convinced that the regional approach was the most appropriate for making international law more applicable to the individual, taking into account his/her particular characteristics and circumstances. The Belgian delegation believed that regional arrangements were the best channels for applying the principles of human rights through the appropriate promotion and monitoring mechanisms. Those arrangements enabled regions to learn from each other and international and regional activities should be mutually reinforcing. The actual implementation of regional arrangements remained the primary responsibility of the States concerned. The draft resolution under consideration should be seen against that background and regarded as the logical extension of General Assembly resolution 43/152, which had been adopted without a vote in 1988.

7. The draft resolution sought inter alia to encourage consideration of further means of improving co-operation between regional and international human rights bodies without dictating how that should be accomplished. Emphasis was placed on encouraging useful contacts, the exchange of information and experience and practical training. The programme of advisory services in human rights was proposed as a useful framework for information and/or training courses for national personnel on the application of international human rights standards.

8. The draft also requested the Secretary-General to submit a report to the Commission on Human Rights at its forty-eighth session and to the General Assembly at its forty-seventh session on the state of regional arrangements. He hoped that, as in previous years, the draft resolution would be adopted without a vote.

Draft resolution on regional human rights arrangements in the Asian and Pacific region (A/C.3/45/L.88)

9. Mr. CABOCHAN (Philippines) introducing draft resolution A/C.3/45/L.88 on behalf of the original sponsors and Indonesia, Samoa and Vanuatu, drew particular attention to the fourth and fifth preambular paragraphs which noted with appreciation the reports of the seminars and human rights training courses held in the Asian and Pacific region under the United Nations programme of advisory services in the field of human rights and the designation of the Social Development Division of the Economic and Social Commission for Asia and the Pacific (ESCAP) as a human rights focal point.

10. Reviewing the text of the operative part of the draft resolution, he expressed gratification concerning the designation of the ESCAP library as the depository

(Mr. Cabochan, Philippines)

centre for United Nations human rights materials in the Asian and Pacific region and drew attention to the invitation to States members of ESCAP to communicate their comments on the conclusions and recommendations contained in the report of the Seminar on National, Local and Regional Arrangements for the promotion and protection of human rights in the Asian region to the Secretary-General. He hoped that the draft resolution would be adopted by consensus.

Draft resolution on international co-operation in solving international problems and promoting human rights (A/C.3/45/L.89)

11. Mr. OLINYNK (Ukrainian SSR), introducing the draft resolution on behalf of the original sponsors as well as Austria, Canada, Hungary, Madagascar, Mongolia and Poland, said that he welcomed the fact that the principle of a non-political approach to the question was being increasingly asserted in international humanitarian efforts. The draft resolution had been intended to reflect that positive spirit. He reviewed the provisions and expressed the hope that the draft resolution would, as at the last General Assembly session, be adopted by consensus.

Draft resolution on the human rights situation in Kuwait (A/C.3/45/L.19)

12. Mr. RAZOOQI (Kuwait), introducing the draft resolution on behalf of the original sponsors as well as El Salvador, Netherlands, Somalia and Vanuatu, said that it described some of the flagrant violations of human rights perpetrated by the Iraqi occupiers. Kuwait had become a large prison and a torture chamber. The international community should press Iraq to allow humanitarian organizations, in particular the International Committee of the Red Cross, to help alleviate the suffering of the Kuwaiti people. He hoped that the draft resolution would be adopted unanimously.

The meeting rose at 4.30 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
57th meeting
held on
Thursday, 29 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. SOMAVIA (Chile)

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Distr. GENERAL
A/C.3/45/SR.57
10 December 1990
ENGLISH
ORIGINAL: FRENCH

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The meeting was called to order at 10.35 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (*continued*) (A/C.3/45/L.71, L.75, L.76, L.78, L.79, L.80, L.91, L.92, L.73/Rev.1, L.94 and L.95)

Introduction of draft resolutions A/C.3/45/L.71, L.75, L.76, L.78, L.79, L.80 and L.91

1. Mr. TSCHIMBALANGA (Zaire) introduced, on behalf of the sponsors, the draft resolutions concerning assistance to refugees, returnees and displaced persons. He read out the text of the draft resolutions and announced that Angola, Cuba, India and Peru had joined the list of sponsors of draft resolution A/C.3/45/L.71, that Lesotho wished to co-sponsor draft resolution A/C.3/45/L.79 and that Swaziland and Trinidad and Tobago had joined the list of sponsors of draft resolution A/C.3/45/L.80. In view of the importance of assistance to countries sheltering refugee populations, returnees or displaced persons, he hoped that the draft resolutions would be adopted by consensus.

2. Mrs. AL-HAMAMI (Yemen) said that her country was not included in the list of sponsors in the Arabic version of draft resolution A/C.3/45/L.80.

Draft resolution A/C.3/45/L.92

3. Ms. DA SILVA (Venezuela) introduced, on behalf of the sponsors, draft resolution A/C.3/45/L.92 on the situation of human rights and fundamental freedoms in El Salvador, of which Peru had become a co-sponsor.

4. The draft resolution was the outcome of delicate negotiations between the many delegations directly concerned with its subject-matter. It largely derived from the report of the Special Representative of the Commission on Human Rights and the relevant resolutions of the General Assembly and the Commission on Human Rights. It did, however, contain a new element in that it mentioned, in both the preamble and the operative paragraphs, the negotiating process undertaken, under the auspices and with the active participation of the Secretary-General and his personal representative, between the Salvadorian Government and the Frente Farabundo Martí para la Liberación Nacional. In general terms, the sponsors of the draft resolution were concerned by the persistence of the armed conflict in El Salvador, and in particular by the recent escalation of violence which was resulting in numerous and serious violations of human rights and international humanitarian law. They deplored the shortcomings of the Salvadorian legal system, and in particular the irregularities in the judicial proceedings in connection with the assassination of the Rector and other members of the Central American University. At the same time, they recognized the efforts made by the parties concerned to improve the human rights situation, and welcomed the Agreement on human rights adopted in July 1990 in Costa Rica. Finally, they urged the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue their dialogue and foster agreements with a view to a firm and lasting peace.

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(Ms. Da Silva, Venezuela)

5. She pointed out that an omission should be rectified by adding in paragraph 10, after "Commission on Human Rights resolution 1990/77" the words "of 7 March 1990". Also, in paragraph 11 of the Spanish version, the word "evaluación" should be replaced by "evolución". The sponsors of the draft resolution hoped that it would be adopted without a vote.

Draft resolution A/C.3/45/L.73/Rev.1

6. Mrs. WARZAZI (Morocco), speaking on behalf of the sponsors of draft resolution A/C.3/45/L.73/Rev.1, on the World Conference on Human Rights, of which Liechtenstein had become a sponsor, said that, in a spirit of compromise and after careful consideration, some of the proposed amendments submitted by India orally and by China in document A/C.3/45/L.95 had been taken into account by the sponsors. The first Chinese amendment, relating to the second paragraph of the draft resolution, had been accepted in its entirety. The second amendment, which was supported by Colombia, Lesotho, Sri Lanka and Uganda, had the drawback of omitting some fundamental concepts of the United Nations Charter, such as universal and effective respect for human rights and fundamental freedoms. As a better solution, her country was therefore proposing, as a sub-amendment to the Chinese amendment, that reference should be made to Articles 55 and 56 of the Charter. The third Chinese amendment had been accepted, and the words "over the past several years" in what was now the fourth paragraph had been deleted. With regard to the fourth amendment proposed by China, Morocco preferred to repeat in broad terms the Indian amendment by adding, in paragraph 1, a new subparagraph (b) with the following wording:

> "(b) To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights;".

7. Accordingly, the Conference would not, as in the Chinese amendment, confine itself to examining the existing international economic environment, but would focus on the obstacles, of whatever kind and on whatever scale, to the full exercise of human rights. The sponsors regarded the other amendments proposed by China as unacceptable, since they considered that they would not be sufficient to ensure equitable geographical representation in the Preparatory Committee and would merely have the effect of giving additional seats to Africa.

8. In connection with the preparatory meetings mentioned in the final Chinese amendment, she drew attention to the fact that there seemed to be a contradiction between that amendment and paragraph 3 of the draft resolution, which gave the Preparatory Committee a mandate to make proposals to the General Assembly regarding the precise dates of the regional preparatory meetings for the Conference on Human Rights.

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Amendments to draft resolution A/C.3/45/L.73 contained in document A/C.3/45/L.95

9. Mr. CHEN (China), introducing the amendments on behalf of his own country as well as Colombia, Lesotho, Sri Lanka and Uganda, thanked the Moroccan delegation for its efforts to make the amendments acceptable. His delegation thought it desirable that the World Conference on Human Rights should be held in 1993 on the occasion of the forty-fifth anniversary of the adoption of the Universal Declaration of Human Rights. The Conference would review the past and the experience gained in the light of developments since the last conference on human rights, and consider how in future to ensure the healthy development of the activities of the international community and the United Nations in that field.

10. The draft resolution submitted by Morocco was on the whole procedural, but it none the less contained important guidelines regarding the nature, scale, objectives and preparation of the Conference. He commended the Moroccan delegation for helping to initiate the idea of the Conference and to formulate the relevant draft resolution, and to the sponsors for their contribution in that respect. The text could be further improved in order to ensure that the World Conference on Human Rights reflected the reality and challenges faced by the Organization in the human rights field more comprehensively. He read out the first three amendments, which had been accepted after intensive consultations and which reflected the views and concerns of some delegations.

11. His delegation stressed the importance of the fourth amendment, which the Moroccan delegation and the other co-sponsors had already accepted in part. In China's view, paragraph 1 omitted an important aspect of the Conference's objectives, namely the link between the international economic environment and the full enjoyment of human rights universally, and its effects on the conditions in which not only civil and political rights, but also economic, social and cultural rights could be exercised by all. That paragraph was indispensable, because it concerned not only the question whether the large number of developing countries and their peoples could fully enjoy their human rights, but also the extent to which human rights were enjoyed in the developed countries, an issue that had been under consideration by the international community for some time. Thus, no matter how the issue was looked at, it would be inadmissible not to list it as one of the Conference's objectives.

12. The fifth amendment concerned the composition of the Preparatory Committee's bureau. After careful consideration, China believed that the bureau should be made up of ten persons, with one chairman, eight vice-chairmen and one rapporteur. The preparatory work was of crucial importance in making the conference a success. The bureau should not exist merely in name, but should be a decision-making body, and its arduous task would be difficult to fulfil with a limited staff. Moreover, the question of human rights was rather complex and open to divergent interpretations and opinions. The bureau's composition should therefore not only be based on geographical composition, but should also reflect different political and economic systems, cultures, religions and traditions. That was impossible in a bureau composed of five persons.

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(Mr. Chen, China)

13. Regional preparatory meetings were essential for the success of the Conference. Such meetings could be held between the first and second meetings of the Preparatory Committee. The substantive discussions of the latter would focus attention on the agenda and the theme fixed for the Conference by the Preparatory Committee and would submit the results in writing to the second meeting of the Preparatory Committee as a basis for documents to be provided to the Conference. Those documents would be widely representative and as accurate as possible.

14. It was to be hoped that the sponsors of draft resolution A/C.3/45/L.73 would readily accept the proposed amendments, to which China attached great importance, so that the draft resolution on the World Conference on Human Rights could be adopted by consensus.

15. Mr. FONTAINE-ORTIZ (Cuba) asked the secretariat of the Third Committee to clarify paragraph 7 of draft resolution A/C.3/45/L.73. Concerning the source of financing for the meetings of the Preparatory Committee of the Conference and the organization of the Conference itself, his delegation asked under what section of the United Nations regular budget the necessary appropriations would fall if the expenditures were not provided for under section 23. The secretariat could reply to that question at a later date.

Draft resolution A/C.3/45/L.94

16. The CHAIRMAN said that consideration of draft resolution A/C.3/45/L.94, entitled "Situation of human rights in Afghanistan", was postponed until the following day.

AGENDA ITEM 108: INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING (continued) (A/C.3/45/L.40 and L.41)

Draft resolution A/C.3/45/L.40

17. Mr. FONTAINE-ORTIZ (Cuba) said that in order to reach a consensus on the draft resolution, his delegation proposed a number of minor amendments which, in the view of the sponsors, did not alter the draft resolution's meaning or objective. In paragraph 1, the phrase "should be based on strict respect for" should be replaced by "should continue to be based on strict respect for". Paragraph 4 should be replaced by the following wording:

> "*Calls upon* the Secretary-General to take duly into account the principles set forth in this resolution in his report to the forty-sixth session of the General Assembly."

18. His delegation hoped that the draft resolution, as amended, could be adopted without a vote.

19. *Draft resolution A/C.3/45/L.40, as orally amended, was adopted without a vote.*

Draft resolution A/C.3/45/L.41

20. The CHAIRMAN said that Ireland, Pakistan, the Netherlands, Suriname and Samoa had become co-sponsors.

21. Draft resolution A/C.3/45/L.41 was adopted without a vote.

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/C.3/45/L.57/Rev.1)

Draft resolution A/C.3/45/L.57/Rev.1

22. The CHAIRMAN said that Vanuatu had become a co-sponsor of the draft resolution.

23. Mr. ERDENECHULUUN (Mongolia) introduced, on behalf of the sponsors, the revised draft resolution, which was the outcome of intensive consultations. He explained in detail the amendments to the original text and read out the new wording of preambular paragraph 9. In preambular paragraph 10, the numbers of the resolutions had been added, and in paragraph 3, the words "the Preparatory Committee of" had been inserted. It was also necessary to replace paragraph 4 by the following wording:

> "4. Considers that the competent bodies of the United Nations should continue to work actively to improve and clean up the environment."

24. The sponsors had endeavoured to incorporate in the text as many suggestions as possible, and the delegations had made commendable efforts to display understanding and a constructive attitude thereby making it possible to reach a consensus. The sponsors therefore hoped that the revised draft resolution would be adopted without a vote.

25. Mr. RAVEN (United Kingdom) was concerned that the wording proposed for the new paragraph 4 might lead to duplication of effort. In introducing the draft resolution initially, Mongolia had stressed the need to avoid such a situation. In the view of his delegation, it might be preferable to study the question further, unless Mongolia was prepared to indicate in its proposed text that duplication of effort must be avoided.

26. Mr. ERDENECHULUUN (Mongolia) confirmed the position stated by his delegation on 23 November when the draft resolution had been introduced. In his view the draft must under no circumstances lead to duplication in the work of United Nations organs. If the United Kingdom delegation had a proposal to formulate, he was ready to discuss it and, to that end, proposed a possible suspension of the meeting for 5 to 10 minutes to settle the matter.

27. Mr. RAVEN (United Kingdom) welcomed the fact that the Mongolian delegation had confirmed the need to avoid duplication. Nevertheless the new paragraph 4 should be formulated in such a manner as to leave no doubt in that regard. His delegation was preparing suggestions which could be considered in informal consultations.

28. The CHAIRMAN suggested that the Committee should defer its consideration of draft resolution A/C.3/45/L.57/Rev.1 so that delegations could reach agreement on the new text.

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued) (A/C.3/45/L.58)

Draft resolution A/C.3/45/L.58

29. The CHAIRMAN said that Panama had joined the sponsors of the draft resolution.

30. Mr. MIN (Myanmar) said that draft resolution A/C.3/45/L.58 was totally unacceptable to his delegation. In essence it constituted a flagrant attempt to interfere in the internal affairs of a Member State in contravention of the principle set forth in Article 2, paragraph 7, of the Charter of the United Nations, which prohibited the United Nations from intervening in matters which were essentially within the domestic jurisdiction of any State.

31. The sponsors of the draft resolution were seeking to dictate to the Myanmar Government how it should conduct the country's affairs. Never before in the 45 years of the Organization's existence had the General Assembly adopted a resolution of that nature. To do so now would open Pandora's box and set a very dangerous precedent.

32. Non-intervention by the United Nations in the internal affairs of a State was a principle whose absolute inviolability guaranteed a world order of peace, freedom and justice. The principle had been reaffirmed in innumerable United Nations resolutions and declarations, as well as in a great number of legal and political instruments adopted at the bilateral, regional and global levels.

33. In particular, States had reaffirmed their commitment to that principle in the final declaration of the Asian-African Conference held at Bandung in 1955, in the final declarations of successive conferences of the Movement of Non-Aligned Countries, and in the Charters of the Organization of American States, the League of Arab States and the Organization of African Unity. The Helsinki accord, signed in 1975 by 35 countries, including all but one of the sponsors of draft resolution A/C.3/45/L.58, committed the signatories to refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs of another participating State. His delegation did not understand why that commitment should be confined only to the countries of Europe and North America, and not apply to countries of the South, in Africa, Asia, Latin America and the Caribbean and Oceania.

34. It was not the first time that attempts had been made to question certain principles of the Charter of the United Nations. In particular, with regard to Article 2, paragraph 1, which set forth the principle of the sovereign equality of States, he recalled that at the current session, on 17 October, the Sixth Committee, in the course of its consideration of agenda item 144 relating to the report of the Special Committee on the Charter of the United Nations, had heard an

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(Mr. Min, Myanmar)

astonishing statement by a representative of a permanent member of the Security Council, who had asserted that it was to be hoped that discussion of the issue would be free of such tendentious arguments as the suggestion that there was something democratic about the principle of one nation, one vote. Such an assertion was tantamount to questioning one of the cardinal principles on which the United Nations was founded and which would determine the pattern of inter-State relations in tomorrow's world. The statement had been fittingly and decisively rebutted by the representatives of Argentina, Ecuador and Mexico, and there was little doubt that those three delegations had voiced the indignation of the entire membership of the United Nations except for a very tiny minority. His delegation was in complete agreement with their views, and had no doubt that adoption of the draft resolution would embolden those who were so inclined to modify the fundamental principles of the Charter.

35. Further, the sponsors of the draft seemed to think that certain obligations under the Universal Declaration of Human Rights had primacy over those set forth in Article 2, paragraph 7, of the Charter. Yet, Article 103 of the Charter stipulated very clearly that:

> "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

By calling into question those provisions, draft resolution A/C.3/45/L.58, if adopted, would set another dangerous precedent. The question arose of whether other principles as important as those set forth in Article 2, paragraph 7, and Article 103 would not in turn be called into question.

36. It would be recalled that the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" had been included in the Committee's agenda for the first time at the forty-second session of the General Assembly only after the representative of the United States, who had introduced it, had given a number of assurances, one of which was that no attempt would be made to undermine the sovereignty of States. The Third Committee was now considering a draft resolution which deviated dangerously from the original purpose of the item. The same applied to another text, draft resolution A/C.3/45/L.56. His delegation was confident that the General Assembly, in its wisdom, would not adopt the draft resolution under consideration or any similar resolution at the current or any future session.

37. Mr. SEZAKI (Japan) recalled, in connection with draft resolution A/C.3/45/L.58, that the Commission on Human Rights had recently sent an independent expert to Myanmar to consider the situation there directly with the Government. It happened that the expert in question was an eminent Japanese expert in human rights and humanitarian activities.

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(Mr. Sezaki, Japan)

38. A report on the situation of human rights in Myanmar was to appear shortly and would be considered at the subsequent session of the Commission on Human Rights so as to determine what measures might be appropriate. His delegation thus thought it essential not to act at the current session of the General Assembly in a manner which might prejudge either the consideration of that report, which had not yet been completed, or any decision to which it might give rise. In-depth consultations had shown that all the parties concerned shared the view of his delegation. Accordingly, he proposed the deferral of any decision on Myanmar, and in particular on draft resolution A/C.3/45/L.58, to the forty-sixth session of the General Assembly. He proposed that the Committee should adopt his delegation's proposal as a draft decision immediately without a vote.

39. The draft decision submitted by the delegation of Japan was adopted without a vote.

40. Mr. ENGFELDT (Sweden) said that the principle that the will of the people was the basis of the authority of government was contained in article 21 of the Universal Declaration of Human Rights. That will was expressed in periodic and genuine elections which were by universal and equal suffrage and were held by secret vote or by equivalent free voting procedures. Everyone had the right to take part in the government of his or her country, either directly or through freely chosen representatives.

41. That was what the people of Myanmar had done. After having expressed, in various ways, their desire for a multiparty democratic system of Government, the people of Myanmar had, for the first time in three decades, taken part in free and fair elections on 27 May 1990. An overwhelming majority of the electors had supported the political opposition.

42. Although those elections had been held six months earlier, no new national assembly reflecting the results of those elections had been convened, and a number of politically active persons had been detained. While the sponsors of draft resolution A/C.3/45/L.58 had wished to draw attention to that grave contravention of the Universal Declaration of Human Rights, they had nevertheless agreed to defer consideration of the draft until the forty-sixth session of the General Assembly. The draft resolution had given rise to concern among many delegations but that concern was largely based on procedural and technical considerations. While the sponsors regretted those objections, they also wished to respect them, since they believed that the human rights situation in Myanmar was too important an issue to be made the object of controversy on such grounds.

43. On 14 November 1990, the Permanent Representative of Myanmar had given his assurances to the Third Committee that the democratic process would be respected through the transfer of power. The sponsors of the draft resolution and, no doubt, all the members of the Committee hoped that the violations of human rights addressed in the draft resolution would have been satisfactorily resolved long before the General Assembly resumed its consideration of the matter. Moreover, the deferment of the draft resolution to the forty-sixth session of the Assembly in no

(Mr. Engfeldt, Sweden)

way meant that the Commission on Human Rights at its forty-seventh session would not be able to take any other initiative regarding the situation in Myanmar. His delegation sincerely hoped that the human rights situation in Myanmar would be thoroughly examined by the Commission.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/C.3/45/L.69, L.70, L.74, L.81 and L.84-L.89)

Draft resolution A/C.3/45/L.69

44. Mr. YEGOROV (Byelorussian Soviet Socialist Republic) said that, in the last preambular paragraph of the draft resolution, the asterisk should be replaced by the symbol "A/45/404".

45. Draft resolution A/C.3/45/L.69 was adopted without a vote.

Draft resolution A/C.3/45/L.70

46. Draft resolution A/C.3/45/L.70 was adopted without a vote.

Draft resolution A/C.3/45/L.74

47. Draft resolution A/C.3/45/L.74 was adopted without a vote.

Draft resolution A/C.3/45/L.81

48. The CHAIRMAN said that Samoa and New Zealand had become sponsors of the draft resolution.

49. Draft resolution A/C.3/45/L.81 was adopted without a vote.

Draft resolution A/C.3/45/L.84

50. The CHAIRMAN said that Samoa had become a sponsor of the draft resolution.

51. Mrs. ASHTON (Bolivia) said that her country wished to join the sponsors of the draft resolution.

52. Draft resolution A/C.3/45/L.84 was adopted without a vote.

Draft resolution A/C.3/45/L.85

53. Mr. GARRETON (Chile) said that his country wished to become a sponsor of the draft resolution.

54. Draft resolution A/C.3/45/L.85 was adopted without a vote.

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Draft resolution A/C.3/45/L.86

55. The CHAIRMAN said that Vanuatu had become a sponsor of the draft resolution.

56. Mrs. KAMAL (Secretary of the Committee) said that a number of oral revisions had been made to the draft resolution. In the sixth preambular paragraph, the phrase "with a view to making final recommendations" had been deleted. In the last preambular paragraph, "1990" had been corrected to read "1989". In paragraph 7, the words "bearing in mind the work of the Committee on Crime Prevention and Control" had been inserted after the words "Human Rights". In paragraph 8 (b), the word "sample" had been deleted. Consequently, the second line of paragraph 9 had been amended to read: "consider this draft model with a view to a further elaboration". Finally, the phrase ", on the basis of a report of the Secretary-General on the implementation of the present resolution" had been added to the end of paragraph 12.

57. Mr. GARRETON (Chile) said that his delegation wished to become a sponsor of the draft resolution.

58. Draft resolution A/C.3/45/L.86, as orally revised, was adopted without a vote.

Draft resolution A/C.3/45/L.87

59. Mr. RIETJENS (Belgium) said that his delegation had been asked to make a minor revision to the draft, about which he had not been able to consult the other sponsors. Paragraph 3 ended with a list of cities where training courses or workshops had been organized; that list had been based on information contained in the Secretary-General's report (A/45/348). In introducing agenda item 12 on 20 November, the Director of the Implementation of International Instruments and Procedures Branch had stated that a workshop had been held at Kiev from 24 to 28 September 1990. The revision consisted in adding, in the penultimate line of operative paragraph 3, the word "Kiev" between "Castelgandolfo," and "Manila" and deleting the words "in his report" in the preceding line.

60. Mr. YEGOROV (Ukrainian Soviet Socialist Republic) said that his delegation had joined the sponsors of the draft resolution.

61. Mr. AGUILAR-HECHT (Guatemala) said that his delegation had also become a sponsor of the draft resolution.

62. Draft resolution A/C.3/45/L.87, as orally revised, was adopted without a vote.

Draft resolution A/C.3/45/L.88

63. Draft resolution A/C.3/45/L.88 was adopted without a vote.

Draft resolution A/C.3/45/L.89

64. Draft resolution A/C.3/45/L.89 was adopted without a vote.

The meeting rose at 12.50 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
58th meeting
held on
Friday, 30 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. SOMAVIA (Chile)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (*continued*)

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A/C.3/45/SR.58
12 December 1990
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The meeting was called to order at 11.10 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/C.3/45/L.62, L.71, L.72/Rev.1, L.73/Rev.1, L.75, L.76, L.77, L.78, L.79, L.80, L.82, L.83, L.91, L.92, L.94, L.95/Rev.1 and L.101)

Draft decision A/C.3/45/L.62

1. The CHAIRMAN invited the Committee to take action on draft decision A/C.3/45/L.62, the programme budget implications of which were contained in document A/C.3/45/L.97.

2. A recorded vote was taken on the draft decision.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Kitts and Nevis, Samoa, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Japan, United States of America.

Abstaining: Brunei Darussalam, Cameroon, Hungary, Oman, Zaire.

3. Draft resolution A/C.3/45/L.62 was adopted by 126 votes to 2, with 5 abstentions.

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4. Mr. WALDROP (United States of America), speaking in explanation of vote after the vote, said that he had voted against the draft resolution because he believed that the obligation to finance the expenses of the Committee to be established under the Convention on migrant workers should be borne exclusively by the States parties to the Convention and not all the States Members of the United Nations. The Committee in question would not be a United Nations body, would not be open to the nationals of all the Member States and would serve only the States parties to the Convention. In the current climate of fiscal austerity, the activities of the Committee should not be financed by funds from the regular budget of the United Nations that were available for activities which benefited all Member States.

5. Mrs. MAYMOUNA (Senegal) said that, if she had been present during the vote, she would have voted in favour of the draft resolution.

Draft resolution A/C.3/45/L.77

6. The CHAIRMAN said that Nigeria had joined the sponsors of draft resolution A/C.3/45/L.77.

7. Mr. JESUS (Cape Verde) said that his country had become a sponsor of the draft resolution.

8. Draft resolution A/C.3/45/L.77 was adopted without a vote.

9. Miss FOSTIER (Belgium) said that her country had not opposed the adoption of the draft resolution without a vote so as not to impede the adoption of an international instrument designed to ensure respect for the human rights and dignity of migrant workers and their families. That view, however, in no way prejudged the position which Belgium would take concerning the Convention itself after considering all the relevant questions.

10. Ms. COOMBS (New Zealand) said that from the outset the decision to elaborate an international convention on the protection of the rights of all migrant workers and members of their families had been far from unanimous and that New Zealand itself had abstained in the vote on General Assembly resolution 34/172, which had created a working group to elaborate the convention, because her country had been apprehensive about a proliferation of international instruments and had felt that the question of the rights of migrant workers fell within the purview of the International Labour Organisation. New Zealand would therefore reserve its position on the draft Convention until it had given thorough consideration to the obligations under it.

11. Mr. KOENIG (Germany) said that his Government had always been very sceptical about the idea of an international convention on the protection of the rights of all migrant workers and members of their families in so far as the basic human rights were embodied in the two International Covenants, which applied, with a few exceptions, not only to the nationals of States parties but also to foreign nationals in their territory. The adoption of such a convention would be justified only if the international community had reason to assume that migrant workers were

(Mr. Koenig, Germany)

being denied those rights in host countries or that the countries which had not yet ratified the Covenants would be inclined to accede to a convention relating specifically to migrant workers. Furthermore, improving the social status and working conditions of migrant workers was a responsibility of the International Labour Organisation, which had already elaborated two conventions in that field, one of which, Convention No. 143, had not yet entered into force because it had not been ratified by a sufficient number of countries.

12. With regard to the substance of the matter, Germany was also concerned that migrant workers whose situation was illegal would, under the Convention, receive protection that extended far beyond that required to ensure respect for human rights. Thus, there might be an increase in illegal immigration. Unlike Convention No. 143 of the International Labour Organization, the draft Convention - just adopted included in its definition of a migrant worker a number of categories self-employed, project-tied and frontier workers - to which most of the rights specified by it did not apply. It also contained technical provisions relating to labour, social affairs, residence, taxation and the right to work, which were generally regulated by parliaments and Governments. Under the draft Convention, articles 9, 11 and 15, dealing with the right to life, compulsory labour and arbitrary deprivation of property, had the same legal standing as article 33, concerning the failure to provide migrant workers with comprehensive information. As a result of that intermingling of different rights, Germany had been forced to adopt a position on a number of provisions of the draft Convention that was different from its position with regard to other human rights conventions. The draft Convention also imposed on the countries of employment demands that could not be fulfilled.

13. Despite its strong misgivings, Germany recognized that the draft Convention responded to a considerable need, at least in some parts of the world, and therefore could be regarded as progress. Moreover, his country did not wish to give the impression that it had no intention of signing or ratifying the Convention or wanted to discourage other countries from doing so. It had voted for the same reason in favour of draft resolution A/C.3/45/L.62 on the understanding that the additional resources required to finance the Committee to be established under the Convention would be allocated through redeployment of funds within the regular budget of the United Nations.

14. Mr. WALDROP (United States of America) said that his country firmly believed that everything possible should be done at the national and international levels to protect migrant workers, who were often victims of abuse and ill-treatment. That notwithstanding, the draft convention which had just been adopted was of dubious value since there were already two International Labour Organisation (ILO) conventions on the same matter. Furthermore, had there been a real need for a new convention, the task of drafting one should have been entrusted to ILO. It was also regrettable that so few countries had participated in the Working Group that had produced the draft convention, which, given its length and complexity, had little chance of being widely ratified.

(Mr. Waldrop, United States)

15. As to the substance of the question, his country believed, however, that the new convention guaranteed adequate protection to migrant workers and their families while taking account of the varying attitudes world wide with regard to migrant labour and respecting the right of each country to limit the number of immigrants entering its territory. His delegation wished to pay a tribute to the Mexican delegation for its significant contribution to the work of the Working Group.

16. Mr. TROTTIER (Canada) said that the draft convention contained important provisions for safeguarding the human rights of migrant workers and their families. For that reason, the Canadian delegation had joined the consensus on draft resolution A/C.3/45/L.77. In Canada, where the protection of migrant workers was a priority, such workers were for the most part permanent residents who enjoyed the same or nearly the same rights as Canadians. Nevertheless, it was possible that some provisions of the convention differed from existing law and practice in Canada and that certain provisions fell within the jurisdiction of the provinces, whose consent would then be required before the convention could be ratified.

17. Mr. SCHERK (Austria) said that the adoption of the Draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would certainly contribute to improving the situation of migrant workers and their families and to protecting them against all forms of discrimination.

18. Austria had, however, strong reservations, which it had already made known to the Working Group, concerning certain provisions of the draft convention which were not compatible with its legal system. While some of those reservations were of a technical nature, others concerned basic questions. For example, article 2, which defined the term "migrant worker", did not distinguish between legal and illegal migrant workers. Austria therefore reserved its right not to sign or ratify the convention.

19. Mr. AL-BADI (Oman) said that certain provisions of the convention, which was otherwise a comprehensive document, were incompatible with legal practice in his country. He would provide more specific information at a later time.

20. Ms. TERANISHI (Japan) said that, in recognition of the many years of work which it had taken to produce the convention and its humanitarian character, her delegation had not pressed for a vote on the draft resolution. Nevertheless, owing to certain reservations which it would present in plenary meeting, Japan would not be able to sign the convention.

21. Mr. MOSTURA (France) said that the draft convention was a very positive step forward. It was his country's understanding that the application of articles 48, 52, 53 and 54 of the convention was subject to reciprocity. France's interpretation of article 42, paragraph 1, was that it entailed obligations solely for the State of origin, on which it was incumbent to provide representation for its nationals, wherever they were, as France had done through the Conseil Supérieur des Français à l'étranger.

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Draft resolution A/C.3/45/L.72/Rev.1

22. Ms. VASSILIOU (Greece), speaking on behalf of the sponsors, who had been joined by Austria, Morocco and Samoa, introduced draft resolution A/C.3/45/L.72/Rev.1, concerning developments relating to the activities of the Centre for Human Rights. The revisions to the draft resolution had been prompted by the submission of the report envisaged in the sixth preambular paragraph of draft resolution A/C.3/45/L.72, whereby the General Assembly would have expressed its regret at not having received the report in time. In the sixth preambular paragraph of the revised draft resolution, the General Assembly, having considered the report in question (A/45/807), noted that in spite of the recognition that the responsibilities of the Centre had increased rapidly in recent years, the report had not formulated any interim solutions to the problems posed by the resource situation of the Centre. The new paragraph 1 referred to the services of staff on short-term contracts and volunteer-interns, mentioned in paragraph 3 of the report, and to the need to find lasting solutions to the Centre's lack of human resources. The remaining paragraphs were unchanged. Greece hoped that the draft resolution would be adopted by consensus.

Draft resolutions A/C.3/45/L.71, L.75, L.76, L.78, L.79 and L.80

23. The CHAIRMAN said that Suriname and Yemen had become sponsors of draft resolution A/C.3/45/L.75, which had no programme budget implications. Suriname had also joined the sponsors of draft resolutions A/C.3/45/L.78 and A/C.3/45/L.80.

24. Mr. WALDROP (United States of America) said that his delegation would not participate in the decisions on the six draft resolutions under consideration and reserved the right to explain its position in plenary meeting.

25. Draft resolutions A/C.3/45/L.71, L.75, L.76, L.78, L.79 and L.80 were adopted without a vote.

26. The CHAIRMAN invited those delegations which so desired to explain their position on the draft resolutions which had just been adopted by consensus.

27. Ms. TERANISHI (Japan) said that her delegation had joined the consensus on draft resolution A/C.3/45/L.71, hoping at the same time that the situation in Somalia would improve so that the international organizations could carry out their assistance activities and the safety of the personnel engaged in those activities could be guaranteed.

28. Mr. TISSOT (United Kingdom) said that his delegation, too, had joined the consensus on draft resolution A/C.3/45/L.71. However, his Government had reservations concerning those paragraphs which referred to the resumption of the interim assistance programmes. The Somalian Government could not yet guarantee the safety of the staff of the Office of the United Nations High Commissioner for Refugees who were assigned to work in the north-west part of the country.

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29. Mr. BARKER (Australia) said that his delegation had joined the consensus because the suffering of African refugees required urgent humanitarian assistance. In view of their economic difficulties, the African countries had shown exemplary attitudes in taking responsibility for those refugees. Furthermore, many of the situations created by the influx of refugees were complex and were not amenable to effective solutions unless that complexity was recognized. In that connection, the paragraphs of the draft resolution concerning the suspension of the humanitarian assistance programmes in Somalia did not make reference to the events that had led to the suspension and that had made it difficult to resume those programmes.

30. Mr. OSMAN (Somalia) expressed his country's gratitude at the adoption by consensus of draft resolution A/C.3/45/L.71. He took note of the remarks concerning the security in the north-western part of the country and reaffirmed that his Government was working actively to re-establish peace and to achieve national reconciliation. In conclusion, he appealed to donor countries to continue providing assistance to the Somalian refugees without regard to political considerations, which were totally unrelated to what was essentially a humanitarian problem.

31. Mr. DORANI (Djibouti) said that his delegation welcomed the adoption by consensus of draft resolution A/C.3/45/L.76. Since Djibouti's independence, the Government had consistently provided assistance and protection for the refugees and displaced persons in its territory. The number of refugees and displaced persons currently stood at some 50,000, or 10 per cent of the total population. His delegation emphasized that, unlike other African countries, Djibouti had never been the source of movements of refugees or displaced persons.

32. Mr. MISOMALI (Malawi) said that there was a growing number of refugees and displaced persons in Malawi, scattered throughout the country. He appealed again to the Secretary-General, the United Nations High Commissioner for Refugees, donor countries and the intergovernmental and non-governmental organizations to continue their support for Malawi. His Government pledged to use any assistance they provided to meet the needs of the refugees and displaced persons as best it could.

33. Mr. YOUSIF (Sudan) said that his Government would continue to co-operate with all organizations concerned with refugees. As far as the Sudan was concerned, a distinction should be drawn between the situation of refugees and the situation of displaced persons. Refugees were essentially nationals of neighbouring countries but displaced persons were Sudanese citizens who were victims of natural disasters or other unfortunate circumstances. In view of the complexity of the problem, his delegation appealed to all parties to be careful about the accuracy of information on refugees and displaced persons, especially since there were official reports in existence which had been prepared by the Office of the High Commissioner for Refugees and the Sudanese Government. It was important, too, that the issue should not become involved with political considerations.

34. Mr. COTTAFAVI (Italy), speaking on behalf of the 12 States members of the European Economic Community, said that the Twelve had joined in the consensus, although the sponsors of the draft resolution had refused to take into account a

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proposed amendment drawing the attention of the Sudanese Government to the human rights situation of displaced persons and refugees in the Sudan.

35. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/45/L.83.

Draft resolution A/C.3/45/L.83

36. Mr. OLIYINYK (Ukrainian Soviet Socialist Republic) said that the preparation of the draft resolution had been a long process and consultations had shown that delegations were keenly interested in the question. Many important ideas had unfortunately been put forward too late for agreement to be reached on their inclusion in the text. The Secretariat, on its own initiative, had inserted a reference to Economic and Social Council decision 1990/238 in paragraph 7. That decision concerned indigenous populations and not the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. The text that his delegation had submitted to the Secretariat mentioned Economic and Social Council resolution 1990/39. After further consultations, the delegations had agreed on a draft decision postponing consideration of the draft resolution until the forty-sixth session of the General Assembly, to read:

> "The General Assembly,
>
> "Welcoming the completion of the first reading of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, and the decision of the Economic and Social Council to request the Secretary-General to provide the open-ended working group of the Commission on Human Rights with all the assistance it may require for the continuation of its drafting work,
>
> "Encourages the Commission on Human Rights to complete the final text of the draft declaration as soon as possible and to transmit it to the General Assembly, through the Economic and Social Council,
>
> "Decides to defer its consideration of the draft resolution contained in document A/C.3/45/L.83 to its forty-sixth session and to continue its discussion of the question at that time under the item entitled 'Report of the Economic and Social Council'."

37. He proposed that the symbol "E/RES.1990/39" should be inserted in brackets after the words "Economic and Social Council" in the preamble.

38. The draft decision proposed orally by the delegation of the Ukrainian Soviet Socialist Republic was adopted without a vote.

Draft resolution A/C.3/45/L.91

39. The CHAIRMAN informed members of the Committee that the draft resolution, whose sponsors now included Australia, had no programme budget implications.

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40. Mr. ZAINAL ABIDIN (Malaysia) and Mr. DORANI (Djibouti) said that their countries had also joined as sponsors.

41. Draft resolution A/C.3/45/L.91 was adopted without a vote.

42. The CHAIRMAN invited delegations that so desired to explain their position.

43. Ms. TERANISHI (Japan) said that her delegation had joined in the consensus, although the fourth preambular paragraph did not adequately reflect the changes that had taken place in southern Africa in the past year.

Draft resolution A/C.3/45/L.92

44. Mrs. DA SILVA-SUNIAGA (Venezuela) said that France, Greece and Spain had become sponsors of the draft resolution. The fifth preambular paragraph had been revised to include the words "provoked by the Frente Farabundo Martí para la Liberación Nacional" after the word "violence" in the second line.

45. Ms. KAMAL (Secretary of the Committee) said that in paragraph 10, the words "of 7 March 1990" should be added after "resolution 1990/77" and in paragraph 11 of the English version, the word "evaluation" should be replaced by the word "evolution".

46. Draft resolution A/C.3/45/L.92, as orally revised, was adopted without a vote.

47. The CHAIRMAN invited delegations that so desired to explain their position on the draft resolution just adopted.

48. Mr. HJELDE (Norway), speaking on behalf of Norway, Denmark and Sweden, said that those three Nordic countries had always participated actively in the discussions on human rights in El Salvador ever since the General Assembly had begun considering the question. In that connection, the report of the Special Representative of the Commission on Human Rights (A/45/630), an essential document, showed that the human rights situation there remained precarious. Although the draft resolution was exhaustive and well-balanced on the whole, it was not as clear as Norway, Denmark and Sweden would have liked. In addition to the other numerous human rights violations (summary and arbitrary executions, torture, disappearances, inhuman and degrading treatment during interrogations and the exactions of the death squads), the Special Representative had also drawn attention to attacks against trade union leaders, to which no reference was made in the draft resolution.

49. It was important for the largest possible number of delegations to be able to participate in drafting such a draft resolution, but that had not been the case; nevertheless, Denmark, Sweden and Norway had joined the consensus.

50. Mr. VAN DER HEIJDEN (Netherlands) said that his delegation had joined the consensus. In supporting the remarks made by the previous speaker, he said that his delegation, which had traditionally been one of the sponsors of the draft resolution relating to El Salvador, regretted that it had not been able to

(Mr. van der Heijden, Netherlands)

participate in drafting the one submitted at the current session. If it had, it would have proposed several amendments, in particular to express the Commission's concern about the more recent human rights violations committed by the death squads. His delegation hoped that, in the future, consultations on the draft resolution would be conducted in a different manner.

51. Mr. HENNESSY (Ireland) said that his delegation had joined the consensus because it supported paragraphs 1 and 13. However, the operative part of the draft resolution did not sufficiently reflect the conclusions of the Special Representative of the Commission on Human Rights concerning the increase in the criminal activities of the death squads, which were more and more believed to be linked to the security forces. In general, by ignoring the reports of the special representatives and rapporteurs, the Third Committee weakened the human rights monitoring system set up by the United Nations. Along with a number of others, his delegation had proposed that a paragraph on the death squads, identical to the one in General Assembly resolution 44/165, should be included in the operative part of the draft resolution, but the main sponsors of the draft resolution had been opposed to that proposal, and the consultation process had not permitted all the delegations which were interested to make their views known.

Draft resolution A/C.3/45/L.94

52. Draft resolution A/C.3/45/L.94 was adopted without a vote.

Revised amendments (A/C.3/45/L.95/Rev.1) to draft resolution A/C.3/45/L.73/Rev.1

53. Mr. CHEN (China), introducing the revised amendments (A/C.3/45/L.95/Rev.1) to draft resolution A/C.3/45/L.73/Rev.1, said he hoped that the sponsors would agree to the new changes. His delegation had thought that the decision to convene the World Conference on Human Rights could be taken by consensus, but it had learned that morning that many delegations continued to have reservations in that regard. It was to be hoped that a consensus could be reached through further consultations.

Amendments (A/C.3/45/L.101) to draft resolution A/C.3/45/L.82

54. Mr. BARKER (Australia), introducing the amendments to draft resolution A/C.3/45/L.82 contained in document A/C.3/45/L.101, said that many delegations had not seen draft resolution A/C.3/45/L.82 until 27 November, two days before the date scheduled for the conclusion of the Third Committee's work. His delegation had discussed the draft resolution just a few days before it had been introduced by the Cuban delegation, to which Australia had expressed its concern.

55. That concern had grown when his delegation had considered what it had at first taken to be a new initiative. In fact, the draft resolution under consideration had a long history in the Third Committee. At the fortieth session of the General Assembly, a delegation had proposed and revised a draft resolution entitled "Inadmissibility of exploitation or distortion of human rights issues for interference in the internal affairs of States" (A/C.3/40/L.83/Rev.1), consideration of which had been postponed after a long debate. At the forty-first

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(Mr. Barker, Australia)

session, consideration of draft resolution A/C.3/41/L.83 had led to the adoption, by 154 votes to none, with 1 abstention, of General Assembly resolution 41/155 entitled "Strengthening of international co-operation in the field of human rights". As a solution satisfactory to most delegations had seemed to have been found at the forty-first session, his delegation had drawn upon resolution 41/155 when reflecting upon draft resolution A/C.3/45/L.82, and that had led it to propose the amendments to that draft resolution contained in document A/C.3/45/L.101. His delegation was concerned about the selective reference made in the sixth preambular paragraph of draft resolution A/C.3/45/L.82 to the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States (contained in the annex to General Assembly resolution 36/103). The eighth to tenth preambular paragraphs implied that States commonly engaged in the exploitation and distortion of human rights issues as a means of interfering in the internal affairs of other States, that Governments, non-governmental organizations and the media increasingly engaged in defamation and propaganda campaigns and that information on human rights situations in all countries was not being disseminated in an objective and impartial fashion. Those were arguments that had already been used at the fortieth session, during a discussion on the aforementioned draft resolution A/C.3/40/L.83/Rev.1.

56. His delegation was the first to recognize that human rights issues should not be manipulated for political purposes. The United Nations and Governments must act on the basis of impartial and objective information and all Member States should do everything possible to provide such information. The subjective criteria that were proposed in draft resolution A/C.3/45/L.82 were, however, most disturbing. A State need only contend that an alleged human rights violation was a case of exploitation or distortion of the facts to reject expressions of concern by the United Nations or by another Member State, however justified those concerns might be. The offending State could always argue that the State alleging such violations had dishonourable motives and, in doing so, could stifle debate in the Third Committee, which might, as a result, remain deaf to any appeal for assistance, from wherever it might come. His delegation believed that it was far preferable to have an open discussion, accepting the fact that unjustified claims might be made from time to time. Ultimately, delegations would be able to judge for themselves the veracity of the information put before them.

57. His delegation could not, moreover, accept the idea that the role of the United Nations in the field of human rights should be strictly circumscribed and that harmonious relations between States should take precedence over concern for the welfare of human beings. The Charter of the United Nations made it clear that human rights, in all their facets, were a concern of the United Nations. As the Secretary-General had observed in 1985, the history of the United Nations refuted the argument put forward by some Member States that action by the United Nations in the field of human rights was an infringement of their sovereignty and contrary to the Charter.

58. His delegation was also concerned that reference was made in the draft resolution under consideration to declarations adopted in other Main Committees of

(Mr. Barker, Australia)

the General Assembly with which the representatives in the Third Committee were not very familiar, and that the draft contained various assertions about international law. Even without the benefit of expert opinion, his delegation was not convinced that paragraph 2 was an accurate statement in international law. On reading the paragraph, it might be asked whether Radio Martí constituted as serious a contravention of international law as the invasion and occupation of Kuwait. Furthermore, the International Court of Justice had ruled on some of the questions raised in the draft resolution before the Committee, such as military and paramilitary activities in and against Nicaragua. His delegation was therefore opposed to the Third Committee taking any decisions that did not fully reflect the current state of international law.

59. If the foregoing considerations did not suffice to explain why his delegation had submitted amendments to the draft resolution under consideration, it might be added that the 1981 Declaration (General Assembly resolution 36/103) on which some of the more problematic paragraphs of draft resolution A/C.3/45/L.82 and of its predecessor, A/C.3/40/L.83/Rev.1, were based, was itself a controversial document, the adoption of which had not been supported by a significant number of Governments. That Declaration had, moreover, been overtaken by the new spirit of co-operation reflected in the resolution on international co-operation in the field of human rights which had just been adopted. Reviving old controversies would only serve to undermine the gains made by the reduction in East-West tensions. The Third Committee would not advance the cause of human rights by dwelling on an initiative that worked against the efforts of delegations from all regional groups to enhance co-operation on social and humanitarian issues.

60. The amendments proposed by his delegation reflected the letter and spirit of the Charter, deleted selective references to previously adopted texts and introduced three new paragraphs based on the wording of resolution 41/155 concerning the need to understand the economic, social and cultural realities and the variety of problems existing in different societies. They omitted the ambitious calls for new working groups and further reports as well as the request to Member States to communicate their views. There was already ample opportunity in the Commission on Human Rights to raise questions about international co-operation; indeed, that was one of the Commission's main purposes.

61. Mr. MORA (Cuba), referring to the statement by the representative of Australia, said that some countries had chosen to pursue a policy different from that advocated by the Charter of the United Nations, in order to distort its principles and use it for political purposes. That was why his delegation had submitted the draft resolution now under consideration.

62. Mr. WALDROP (United States of America), speaking on a point of order, asked what exactly was being discussed. Was it the Australian amendments?

63. The CHAIRMAN said that the representative of Cuba had requested the floor to clarify a point concerning the statement by the representative of Australia, and that the procedure entitled him to do so.

64. Mr. BARKER (Australia) said that the representative of Cuba should be allowed to express his views.

65. The CHAIRMAN said that if the Third Committee wished to proceed without delay to discuss the amendments proposed by Australia, it could do so.

66. It was so decided.

67. Mr. MORA (Cuba) said that it was essential, as the representative of Australia had said, for everyone to be able to express his views. The point he wished to clarify concerned the comparison drawn by the representative of Australia between the activities of Radio Martí and the invasion of Kuwait by Iraq. Radio Martí reflected a policy which was in no way comparable to a policy of invasion. Radio Martí pursued different aims, and that was what he had wished to say to the representative of Australia. Cuba had voted in favour of Security Council resolution 660 (1990) against the invasion of Kuwait since no country could justify an invasion on the grounds that it was an internal matter. That being said, his delegation reiterated that it was prepared to negotiate on the amendments proposed by Australia.

68. Mr. SCHWANDT (Germany) said that he had been present during the discussion on draft resolution A/C.3/40/L.83/Rev.1 to which the representative of Australia had referred. The results of that discussion were reflected in General Assembly resolution 43/155, which concerned international co-operation in solving international problems of a social, cultural or humanitarian character and had been adopted without a vote. When the representative of Cuba had submitted amendments to the draft resolution concerning free elections two days previously, he had said that when draft resolutions were submitted to the Third Committee account should be taken of that Committee's previous decisions. Resolution 43/155 had been adopted by the General Assembly in plenary, and his delegation hoped that Cuba would revert to the wording already adopted and, for that reason, he associated himself with the sponsors of the amendments in document A/C.3/45/L.101.

69. Miss MANSARAY (Sierra Leone) proposed that, in view of the complexity of the questions raised in draft resolution A/C.3/45/L.82 and the amendments thereto in document A/C.3/45/L.101 and in view of the fact that the amendments contained elements which further complicated the initial draft resolution, any decision thereon should be deferred until the forty-sixth session.

70. The CHAIRMAN, noting that the atmosphere seemed conducive to an agreement, invited the sponsors of the draft resolution and of the amendments to continue their consultations.

The meeting rose at 1.05 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
59th meeting
held on
Friday, 30 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 59th MEETING

Chairman: Mr. SOMAVIA (Chile)

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6 December 1990

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The meeting was called to order at 4.25 p.m.

AGENDA ITEM 108: INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING (continued)

Draft resolution on international action (A/C.3/45/L.43/Rev.1)

1. Mrs. ASHTON (Bolivia), introducing the draft resolution, said that Thailand and Vanuatu had now become co-sponsors. She thanked the Venezuelan delegation for its co-operation in producing the draft resolution, which consolidated draft resolutions A/C.3/45/L.38 and L.45.

2. The preambular part of the draft resolution included the eighth and ninth preambular paragraphs of draft resolution A/C.3/45/L.38. Operative part A included some verbal changes and reflected suggestions made in the course of the discussion of the original draft. They did not change the substance of the original draft.

3. She drew attention to an omission in paragraph 3 of operative part A: the words "and substitution" should be inserted after "eradication". In addition, in the English text of paragraph 11 of operative part A, the word "prompting" in the second line should read: "promoting".

4. She also asked if the Secretariat could say when the report of the Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs would be circulated as a document of the current General Assembly session, as requested in paragraph 1 of operative part B.

5. Mr. QURESHI (Pakistan) asked that his country be included among the sponsors of the draft resolution.

6. Draft resolution A/C.3/45/L.43/Rev.1, as orally amended, was adopted without a vote.

Draft resolution on implementation of the Convention (A/C.3/45/L.39/Rev.1)

7. Draft resolution A/C.3/45/L.39/Rev.1 was adopted without a vote.

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued)

Draft resolution on the need to ensure a healthy environment (A/C.3/45/L.57/Rev.1)

8. The CHAIRMAN recalled the Committee's decision to suspend consideration of the text pending further consultations, and drew attention to paragraph 4, which had been redrafted to read: "Believes that appropriate organs of the United Nations should pursue active efforts in seeking to promote a better and healthier environment."

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9. Mr. ERDENECHULUUN (Mongolia), noting that the Byelorussian Soviet Socialist Republic had become a co-sponsor of the draft resolution, said that as a result of consultations with the United Kingdom delegation, the following amendment to that revised version of paragraph 4 had been agreed: the words ", within their respective competencies," should be inserted after the words "United Nations". The sponsors hoped that the draft resolution as amended would be adopted without a vote.

10. Draft resolution A/C.3/45/L.57/Rev.1, as orally amended, was adopted without a vote.

11. Mrs. ASHTON (Bolivia) said that it was her delegation's understanding that the provisions of the draft resolution did not prejudge or run counter to those of General Assembly resolution 44/228.

12. Ms. COOMBS (New Zealand) said that she had joined in the consensus in keeping with her country's general support for the promotion of human rights in the United Nations. While there was no question of the importance that New Zealand attached to environmental issues, her delegation questioned the appropriateness of such a resolution in the Third Committee and therefore welcomed the revised text of paragraph 4. Detailed work on the environment was already being carried out by other competent bodies of the United Nations system, particularly in connection with the preparations for the United Nations Conference on Environment and Development, which was the proper place for the consideration of environmental questions. The Third Committee must not be deflected from concentrating on the fundamental issues on its agenda.

13. Mr. WALLDROP (United States of America) said that his delegation had joined in the adoption of the draft resolution without a vote, in a spirit of compromise despite its concern about the appropriateness of certain provisions because the United States attached great importance to protecting the environment through local and national efforts and through international co-operation. United States laws and policies included strong measures for safeguarding the environment. Since environmental protection was a highly complex and technical subject substantive deliberations should be carried out in appropriate bodies and specialized agencies of the United Nations.

14. Mr. de BRITO CRUZ (Brazil) said that his delegation had joined in the consensus because it supported the basic concept underlying the draft resolution, namely, that all individuals were entitled to live in a healthy environment. That right was explicitly recognized in the Brazilian Constitution. He would, however, have preferred the text to reflect more fully the close and fundamental relationship between environment and development. It was important for the committee to emphasize that the right to development was a crucial factor in protecting and enhancing the environment for present and future generations. His delegation understood that the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities would take full account of that essential relationship in their discussions on the matter.

15. Mr. ZAINAL ABIDIN (Malaysia), Mr. LAZARO (Peru), Mr. MOK (Singapore), Ms. ESCOLAR (Colombia), Mr. MORA GODOY (Cuba), Mr. BLACKMAN (Barbados),

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Ms. SAAD (Egypt) and Mr. QURESHI (Pakistan) said that they had joined in the consensus on the understanding that the resolution would not prejudice the terms and conditions of General Assembly resolution 44/228.

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (*continued*) (A/C.3/45/L.56, L.96 and L.99)

16. Mr. WALLDROP (United States of America) introduced document A/C.3/45/L.99 containing sub-amendments to the amendments contained in document A/C.3/45/L.96 to draft resolution A/C.3/45/L.56. The sub-amendments represented a compromise and amalgamated the relevant provisions of General Assembly resolution 44/146 with those of draft resolution A/C.3/45/L.56. He pointed out, *inter alia*, that paragraph 5 called for the deletion of operative paragraph 8 as contained in paragraph 2 of document A/C.3/45/L.96 because it was inappropriate at that stage to call upon the Commission on Human Rights to deal with the agenda item under consideration before the General Assembly had decided on the role to be played by the Commission in that regard. If the sub-amendments (A/C.3/45/L.99) were acceptable to the sponsor of the amendments in document A/C.3/45/L.96, the sponsors of draft resolution A/C.3/45/L.56 would be prepared to accept the amendments to their text, as subamended.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (*continued*)

Draft resolution on a world conference on human rights (A/C.3/45/L.73/Rev.1 and A/C.3/45/L.95/Rev.1)

17. Mrs. WARZAZI (Morocco) said that after intensive consultations the sponsors of draft resolution A/C.3/45/L.73/Rev.1 and the sponsors of the amendments contained in document A/C.3/45/L.95/Rev.1 had agreed on the following amendments to the draft resolution. The phrase "in co-operation with the United Nations" should be deleted from the third preambular paragraph and the phrase "in conformity with the relevant Articles of the Charter" should be added at the end of that paragraph. The words "recognizing the importance of creating the conditions whereby everyone may enjoy all these rights as set out in the Covenants" should be added at the end of paragraph 1 (b). The words "which should take place in 1992" should be inserted after the word "levels" in paragraph 3.

18. Mr. CHEN Shiqiu (China) said that the sponsors of the amendments contained in document A/C.3/45/L.95/Rev.1 accepted the amendments read out by the representative of Morocco and were happy that a consensus had been reached on the holding of a World Conference on Human Rights. He expressed appreciation to the representatives of the Bahamas, Indonesia, Morocco and Nigeria for their positive contribution during the consultations. Although the sponsors of the amendments in document A/C.3/45/L.95/Rev.1 had joined the consensus in a spirit of co-operation, certain points had been accepted with reluctance, particularly regarding the objectives of the Conference as stated in paragraph 1 (b). The question of the negative impact of the economic environment on the human rights situation in third world countries had not been fully reflected in the consensus text and it was hoped

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(Mr. Chen Shiqiu, China)

that that issue would be dealt with during the preparatory work for the Conference in order to take account of the views of all parties, especially the developing countries.

19. Mrs. WARZAZI (Morocco) said that the consensus that had been achieved would make it possible for developing and developed countries to contribute to the work of the Conference in order to find mutually acceptable solutions to the problems under consideration.

20. Mr. MORA (Cuba) expressed satisfaction that a consensus had been achieved and said that his delegation would address the financial implications of the draft resolution in the Fifth Committee.

21. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt by consensus draft resolution A/C.3/45/L.73/Rev.1, as amended orally by the representative of Morocco.

22. *It was so decided*.

The meeting rose at 5.30 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
60th meeting
held on
Monday, 3 December 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 60th MEETING

Chairman: Mr. SOMAVIA (Chile)

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6 December 1990

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The meeting was called to order at 11.30 a.m.

TRIBUTE TO THE MEMORY OF MRS. VIJAYA LAKSHMI PANDIT, PRESIDENT OF THE EIGHTH SESSION OF THE GENERAL ASSEMBLY

1. On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Mrs. Vijaya Lakshmi Pandit, President of the eighth session of the General Assembly.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

2. Mrs. ASHTON (Bolivia), speaking on behalf of the Group of 77, said that under resolution 1990/48 the Economic and Social Council had decided that the membership of the Commission on Human Rights should be increased to fifty-three and that the ten additional seats should be allocated among the regional groups of Africa, Asia and Latin America and the Caribbean on the basis of the principle of equitable geographical distribution. The Group of 77 felt that the Council, at its next organizational session, should allocate four seats to Africa, three to Asia and three to Latin America and the Caribbean.

3. Ms. MBELLA NGOMBA (Cameroon) said that, if her delegation had been present for the vote on draft resolution A/C.3/45/L.62, it would have voted in favour of it.

Draft resolution on developments relating to the activities of the Centre for Human Rights (A/C.3/45/L.72/Rev.1)

4. Ms. VASSILIOU (Greece), speaking on behalf of the sponsors of draft resolution A/C.3/45/L.72/Rev.1, said that a number of amendments had been made to the text in order to take account of the proposals made by certain delegations. In the last preambular paragraph, the phrase "no specific proposals have been" should be replaced by the words "the only specific proposal" and the phrase "is the reference to voluntary donations" should be added at the end. In paragraph 1, the word "additional" should be inserted after the word "make" and the phrase "for additional human resources" should be replaced by the words "in particular, indicating the human resources required for the Centre to carry out its functions adequately". It was hoped that the draft resolution, as revised orally, would be adopted unanimously and that the specific proposals for interim solutions referred to in paragraph 1 would be made in time for consideration by the Fifth Committee.

5. The CHAIRMAN said that, if he heard no objection, he will take it that the Committee wished to adopt draft resolution A/C.3/45/L.72/Rev.1, as amended orally by the representative of Greece.

6. It was so decided.

Draft resolution on the situation of human rights in occupied Kuwait (A/C.3/45/L.90)

7. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/45/L.90, noting that Czechoslovakia and Niger had become co-sponsors. The

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representative of Iraq had requested that legal advice should be sought to ascertain whether the Committee could, in the light of Article 12 of the Charter, adopt the draft resolution in question. On the basis of consultations with the Legal Counsel, he wished to inform the Committee that it would be acting within its powers if it decided to adopt the draft resolution.

8. Mr. MAUALA (Samoa), Mr. VELLA (Malta), Mrs. MOLATLHIWA (Botswana) and Mrs. HENVILLE (Saint Kitts and Nevis) said that they had also become co-sponsors of the draft resolution.

9. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/45/L.90. A recorded vote had been requested.

10. Mr. ALI (Iraq), speaking in explanation of vote before the vote, said that his delegation would vote against draft resolution A/C.3/45/L.90 because the text was tendentious and lacked balance. It was designed to serve narrow political interests and divert the Committee from its real work. The text contained a number of errors and lies and was clearly biased because all the sponsors were against Iraq. Furthermore, any action on the draft resolution by the Committee contravened Article 12 (1) of the Charter, which stated that while the Security Council was exercising in respect of any dispute or situation the functions assigned to it in the [present] Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requested.

11. The sponsors of the draft resolution ignored the daily attacks by the Israeli authorities against the inhabitants of the occupied territories and their property and their desecration of holy places and sought to distract attention from what was happening in those territories. The draft resolution made no mention of the economic blockade imposed on Iraq, which was a violation of the human rights of Iraqi nationals particularly children, the sick and the elderly, who were deprived of food and medicine. The adoption of draft resolution A/C.3/45/L.90 could undermine the peace process that had recently begun. He emphasized that Iraq would continue to ensure respect for human rights and fundamental freedoms.

12. Mrs. Al-HAMAMI (Yemen) said that her delegation supported the Charter of the United Nations, the Universal Declaration of Human Rights, and the Geneva Conventions of 12 August 1949 and would take all necessary measures to achieve the objectives of those instruments. The Constitution of Yemen guaranteed basic freedoms and equality before the law and the Government ensured the implementation and protection of the rights of all citizens. Her delegation would not vote in favour of draft resolution A/C.3/45/L.90 because, far from proposing measures to strengthen human rights, it was designed to pursue political goals. Yemen did not wish to aggravate the situation further and would do everything to reduce tension by promoting efforts to achieve a peaceful settlement as the best means of resolving the problems in Kuwait.

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13. *A recorded vote was taken on draft resolution A/C.3/45/L.90*.

In favour: Albania, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against: Iraq.

Abstaining: Zambia.

14. *Draft resolution A/C.3/45/L.90 was adopted by 132 votes to 1, with one abstention*.

AGENDA ITEM 108: INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING (*continued*)

Draft resolution on international action (A/C.3/45/L.43/Rev.1)

15. *The CHAIRMAN* invited the Committee to take action on the draft resolution introduced at the previous meeting by the representative of Bolivia on behalf of the sponsors listed, as well as Thailand, Vanuatu and Pakistan.

16. *Ms. KAMAL* (Secretary of the Committee) drew attention to the following changes made by the representative of Bolivia in the text of the draft resolution: in the fifth line of paragraph 3 of part A, the words "and substitution" should be inserted after the word "eradication"; in the eighth line of the same paragraph, the word "substituted" should be replaced by the word "substitute", and in the tenth line of that paragraph, the word "illicit" should be replaced by the word

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(Ms. Kamal)

"licit". In the last line of paragraph 4 of part A, the words "will be" should be replaced by the word "was", and in the second line of paragraph 11, the word "prompting" should be replaced by the word "promoting".

17. Mrs. ASHTON (Bolivia) said that the name of Samoa should be added to the list of sponsors of the draft resolution.

18. Ms. SAINT MALO (Panama), speaking in explanation of vote before the vote, said that her delegation had decided to co-sponsor the draft resolution because it was keenly aware of the complex issues involved in efforts to combat drug abuse and illicit trafficking and of the need for international solidarity in pursuing those efforts.

19. Her delegation noted with regret that Panama was an example of how an official State apparatus could be reduced to serving the drug cartels and of the impact that situation could have on all aspects of national life. The present Government of Panama was firmly committed to combating drug trafficking, and was taking the necessary measures to solve the problems inherited from the Noriega régime and its supporters, both national and international. Her delegation was confident that it would be able to report the success of those efforts to the forty-sixth session of the General Assembly.

20. She wished to point out, however, that it was not enough for the international community to study the problem of drug trafficking. It must also take part in the organization, financing and implementation of drug control efforts, and co-operate in eradicating the root causes leading to the production and use of drugs, as set forth in the draft resolution. The action taken by the United Nations should be commended, because there was no real contradiction between the action taken by the international community and the efforts made by nation-States, particularly when it came to addressing world-wide problems such as education, health, environmental protection and action against drug trafficking. Her delegation wished to place on record its satisfaction at the work done by the group of countries that had prepared the draft resolution and, especially, for the initiative taken by the delegation of Bolivia in that regard.

21. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the draft resolution without a vote.

22. Draft resolution A/C.3/45/L.43/Rev.1 was adopted without a vote.

23. Mr. TISSOT (United Kingdom), speaking in explanation of vote after the vote, said that his delegation had participated in the adoption of the draft resolution by consensus, but considered that the text did not fully reflect the excellent work done by the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs and by the Financial Action Task Force. Money-laundering was an international problem, and the Task Force had set guidelines which all Governments should endorse and implement.

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AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued) (A/C.3/45/L.56, L.96 and L.99)

24. Mr. MORA (Cuba) said he wished to make it clear to all members of the Committee that the text which had been circulated unofficially among delegations (A/C.3/45/L.99) was not the result of any negotiations between his delegation and the sponsors of draft resolution A/C.3/45/L.56. It had no official status and represented an attempt to retain the ideas set forth in draft resolution A/C.3/45/L.56, submitted by the United States and other delegations. The Cuban delegation rejected that unofficial text and would explain its position in detail (A/C.3/45/L.99) when it was put to the vote. It was his delegation's understanding that the order of voting would be the following: first, document A/C.3/45/L.99 would be put to the vote, then document A/C.3/45/L.96, and finally, A/C.3/45/L.56. The confusion created by the circulation of document A/C.3/45/L.99 without the consent of the sponsor of document A/C.3/45/L.96 was most regrettable, as it gave the erroneous impression that consultations had been held with the sponsors of the latter document when in fact that was not the case.

25. Mr. WALLDROP (United States of America) said that his delegation had circulated a text which had been prepared purely for information purposes, since a number of delegations had apparently had difficulty in understanding what would be the outcome of the adoption of sub-amendments to the amendments to draft resolution A/C.3/45/L.56. It was quite true that the sponsors of document A/C.3/45/L.99 had not held negotiations with the sponsors of document A/C.3/45/L.96. The purpose of the informal text circulated by his delegation was to explain what would occur if the amendments and the sub-amendments were adopted.

26. Mr. MORA (Cuba) said that the names of Lesotho and Zambia should be added to the list of sponsors of document A/C.3/45/L.96.

The meeting rose at 12.25 p.m.